# THE COPIE OF A LETTER SENT

From WILLIAM LAVD *Archbiſhop* of *Canterbury* the 28. of *June* MDCXLI. unto the *Univerſitie* of OXFORD:

*SPECIFYING,*

His willingneſſe to reſigne his *Chancellor-ſhip*, And withall deploring his ſad Eſtate now in the time of his Impriſonment.

Printed in the yeare, 1641.

MVSEVM
BRITAN
NICVM

# The *Arch-Biſhops* Letter to the *Univerſity* of OXFORD, declaring his willingnes to reſigne up the *Chancelorſhip*. Dated *June* 28. 1641.

MY preſent Condition is not unknowne to the whole world, yet by few pittied, or deplored; The righteous *God* beſt knowes the juſtice of my ſufferings, on whom both in life and death, I will ever depend, the laſt of which ſhall be moſt welcome, in that my life is now burthenſome unto mee, my mind attended with ſad, and grievious thoughts, my ſoule continually vexed with anxiety & trouble, groaning under the heavy burthen of a diſpleaſed *Parliament*; my name diſperſt, and groſſely abuſed by the multiplicity of Libellous Pamphlets, and my ſelfe bard from any wonted acceſſe to the beſt of Princes, and it is *vox populi* that I am Popiſhly affected: How earneſt I have beene in my diſputations, exhortations, and otherwiſe, to quench ſuch ſparks, leaſt they ſhould become coales. I hope after my deceaſe, you will acknowledge, yet in the midſt of my afflictions

there is nothing hath ſo nearely touched me, as the remembrance of your free and joyfull acceptance of mee, to be your *Chancellour*, and that I am now ſhut up from being able to doe you that Service which you might juſtly expect from mee, when I firſt received this honour, I intended to have carryed it with mee to the Grave, neither were my hopes any leſſe, ſince the *Parliament* by his Majeſties Command, committed mee to this Royall Priſon.

But ſith (by reaſon of matters of greater conſequence yet in hand) the Parliament is pleaſed to procraſtinate my triall, I do hereby as thankefully reſigne my office of being Chancellour, as ever I received that dignity, intreating you to elect ſome honorable Perſon; who upon all occaſions may be ready to ſerve you; I do beſeech God to ſend you ſuch a one as may doe all things for his glory, and the furtherance of your moſt famous *Univerſity*,

This is the continuall Prayer of

*Your Dejected Friend and Chancellor,*

W. CANT.

*FINIS.*

# HIS MAJESTIES MANIFEST

## TOUCHING THE PALATINE CAUSE;

And the Votes of both Houſes of Parliament concerning the ſame.

---

Publiſhed by His Majeſties Command.

---

---

LONDON:
Printed by ROBERT BARKER, Printer to the Kings moſt Excellent Majeſtie: And by the Aſſignes of JOHN BILL. 1641.

HONI SOIT QVI MAL Y PENSE
DIEV · ET · MON · DROIT

# His Majesties MANIFEST.

CHARLES, by the grace of GOD, King of Great *Britaine*, *France*, and *Ireland*, Defender of the Faith, &c. To all to whom this present MANIFEST shall come, Greeting.

TO the end that the endeavours of Our late dear Father, King *James* of blessed memory, and Our own proceedings since his death, in the cause of Our dear and onely Sister, Brother in Law, and Nephews, Electors and Princes Palatine of the Rhine, may not be forgotten, or pretendedly unknown, wherein we have studied, and laboured nothing more then the peace of Christendom, and the avoiding the effusion of innocent blood, by seeking the restitution and re-establishment of the Electorall house Palatine, in their ancient Rights, Dignities, and Possessions within the Empire, out of which they have been by violence,

and

and force of Arms, and other undue proceedings expelled and baniſhed, contrary to the ancient Laws and Conſtitutions of the ſacred Empire; VVe have thought fit for the vindication of Our own Honour, to call to minde, and to publiſh to all the world, both a ſummary relation of Our actions and endeavours paſt, and Our preſent reſolutions in the ſame cauſe.

IT cannot be unknown to all the Princes and Eſtates of *Europe*, and more particularly to thoſe who have had any intereſt or relation to the publike affairs of *Germany*, how both Our ſelf, and Our Father have, during theſe twenty

yeers paſt, by many, and ſeverall Ambaſſages, Treaties, and other Negotiations, to Our great expence and charges, both with the late Emperour *Ferdinand*, the King of *Spain*, and other Princes and Eſtates of the Empire, endeavoured by all friendly and treatable meanes to procure the reſtitution and re-eſtabliſhment of Our ſaid dear Siſter, Brother in Law, and Nephews, in their ancient Rights and Poſſeſsions, as the onely and poſsible way to ſettle a good and firm peace in the Empire, and conſequently with all Princes intereſſed therein, without which it is impoſsible to expect or hope for a good, durable, and honeſt Pacification of thoſe troubles which have already

already almoſt rent and conſumed, and involved all the Princes of Chriſtendome in a moſt bloody and deſtructive warre.

And for a clear demonſtration of Our ſincere intentions, not onely Our own pious inclination, and care of the publike peace, hath induced Us to omit divers occaſions, whereby we might by ſuch power as God hath put into Our hands, have prevented the violences and oppreſsions uſed to Our ſaid Siſter, and Nephewes. But we have been led on, and invited thereunto by divers promiſes, aſſurances, and reverſall letters, both from the late Emperour, and King of *Spain*, and other Uſurpers of the inheritances of the Electorall Houſe Palatine, that

that they would at laſt in contemplation of Our Mediations, hearken and incline to a juſt and honeſt peace by the reſtitution of the Eſtates and Dignities of Our dear Siſter and Nephews, whereby we have been drawn not onely to paſſe by Our own and the publike Intereſt, and to forbear to engage Our Armes in ſo juſt a Cauſe, but alſo have procured by Our Fathers, and Our Authority, the withdrawing and disbanding of the Forces of Count *Mansfelt* out of the Palatinate, and advanced divers truces and ceſſations of Hoſtility or Defence, onely to prepare the way of amiable Compoſition, according to the hopes and promiſes to that end given Us, and particularly have

cauſed

cauſed the Surrender and Depoſition of ſome places of ſtrength into the hands of the late Infanta of *Spain*, upon reciprocall aſſurances of a finall Pacification or Reſtitution.

But what effects all theſe Our Peaceable and Chriſtian endeavours have produced, and how all our pious Negotiations have been either delayed or deluded, thereby and by proceſſe of time to root and eſtabliſh the Uſurpations of the Houſe Palatine; and Our patience and piety thereby abuſed, is ſo manifeſt by the continued oppreſsion of our ſaid dear Siſter and Nephews; that we are forced to proteſt that there hath nothing ſucceeded either to Our deſires, or hopes,

but a reſolution of deſpaire of ever obtaining by the wayes of Juſtice, Treaty, or Amity, that which hath been ſo often promiſed to, and expected of the Lovers of Chriſtian peace.

Notwithſtanding we having lately received advice from Our dear Uncle, the King of *Denmark*, that at laſt by his Mediation and Procurement, the preſent Emperour and Duke of *Bavaria*, have condeſcended to a Treaty to be held at the Diet at *Ratisbone*, upon the ſixth day of May laſt paſt, for the reviewing and the reſetling of the Controverſies of the Houſe Palatine, as a preparation and inducement to a generall Peace and Amneſtia through the whole Empire.

pire; And that he with ſome of the Electors of the Empire is accepted as Mediatour of the ſaid cauſe, and hath received ſtrong and pregnant aſſurances of a better inclination and diſpoſition toward the re-eſtabliſhment of the Electorall Family in their rights and dignities: And to that end hath procured convenient ſafe Conduct from the Emperour to our Nephew and his Brethren, freely to come in perſon, or to ſend their Deputies to that Diet at the time and place appointed; with all other clauſes requiſite for their ſafeties, going, abiding, or coming from thence; And there to plead the Juſtice of their own cauſe: and that in proſecution thereof, he hath in-

ſtructed and diſpatched his Ambaſſadours to aſsiſt either in perſon, or by the Deputies of our Nephews at the ſaid Treaty of Pacification; and hath deſired Us herein to comply with him by ſending our Ambaſſadours qualified and inſtructed to the ſame purpoſe of procuring a good and ſetled Peace within the Empire, according to the intimation of the Princes Electors ſignified to him by their Letters, thereby deſiring Us to aſsiſt in the preſent Aſſembly at *Ratisbone*.

To which end, Our Nephew the Prince Elector Palatine, having reſolved by Our Counſell and Advice, to ſend his Deputies according to the invitation and hopes intimated of a good iſſue to be expe-

cted

cted by the amiable way of treaty and compoſure;

VVe alſo have thought fit not to be wanting to ſo good a deſigne, ſo concurrent to Our own, and the deſires of ſo many Princes, and in ſome hope of better fruits then hitherto all Our endeavours have produced; Have reſolved to make this Our laſt tryall by the way of Treaties, and to ſend Our Ambaſſadour to the Emperour, and other Princes in the ſaid Diet aſſembled: And to that purpoſe have given him full power and inſtructions to contribute all our Authority to the procurement and ſettlement of a good and bleſſed Peace by the reeſtabliſhment and reſtitution of the poſſeſsions and dignities of our ſaid dear Siſter, Nephews, and Electo-

rall Family, without which no Peace can either be honeſt or ſecure: Hereby exhorting and deſiring all other Kings, Princes, and States, our Friends, Allyes, and Confederates, who ſhall either be preſent at the ſaid Diet, or ſhall have their Ambaſſadors, or Deputies there, that they will be aſsiſting to the juſtice of ſo good a cauſe, and to ſo great a bleſsing as the reſtoring of Peace to the almoſt deſolate eſtate of *Germanie*.

But becauſe we may have juſt cauſe to doubt by many experiences of our former endeavours that the iſſue and fruit of this meeting may not be anſwerable to our juſt expectation, but rather that it may produce contrary effects to the prejudice of the Juſtice and Rights of

our

our ſaid Nephews & their Family (which God forbid) we are hereby forced to proteſt againſt all Acts, Sentences, Concluſions, or Determinations whatſoever, which ſhall or may be had, made, or declared, either in confirmation of the oppreſsions and uſurpations paſt, or any additions thereunto for the future, as invalid, and of no power or effect.

In which Caſe (being contrary to our deſires and expectation) we alſo further proteſt and declare, that we will not abandon neither our own, nor the publike intereſt, nor the Cauſe, Rights, and juſt Pretences of our dear Siſter and Nephews, and other Princes & States involved within their oppreſsions. But that we will uſe and imploy all ſuch

ſuch force and power wherewith God hath enabled us both by our own Arms, and the help and aſsiſtance of all our Allies and Friends, to vindicate our own Honour, the publique peace and redreſſe of the Injuries, Uſurpations, & oppreſsions of our ſaid deareſt Siſter & Nephews, and their illuſtrious Family.

And hereby as we do profeſſe to uſe all our endeavour and power to promove a happy & deſired Peace, for the conſolation of the diſtreſſed Empire; ſo we do appeal to Almighty God, the Inſpector of the hearts of all Princes; & to the world, Spectator of all our juſt actions, hat we will be innocent before God and the VVorld, of all the evils that may enſue, if theſe our laſt hopes ſhall be delayed or abuſed.

His

HIs Sacred Majeſtie of Great *Britain*, being reſolved, in caſe this his laſt endeavours by his Extraordinary Ambaſſadour ſent to the Diet at *Ratisbone*, for a friendly accommodation of his Nephew, the Prince Elector Palatines affairs, ſhould prove fruitleſſe, to have his ſaid Embaſſie, without further loſſe of time, ſeconded by more powerfull and effectuall means, went to his Parliament on the fifth day of July laſt, and there (after the diſpatch of ſome other affairs) preſented the above written Manifeſt, with theſe words;

I Take this occaſion to preſent to both Houſes, That, whereby I hope all the world ſhall ſee that there is a good underſtanding between me and my

people; It is concerning my Nephew, the Prince Elector Palatine, who having desired me, by the advice of the King of *Denmark*, to assist him in a Treatie, for his restauration at the Diet now held at *Ratisbone* by the Emperour, I could not but send my Ambassadour for that purpose, though I much doubt that I shall not have so good an issue of it as I wish: The which my Nephew foreseeing, hath desired me, for the better countenancing of his just demands to make a Manifest in my Name, which is a thing of that consequence, that if I should do it alone, without the advice of my Parliament, it would be of much lesse force. Therefore I do here propose it unto you, that by

by your advice I may do it: for that way I think it moſt fit to be publiſhed in my Name.

THe ſaid Manifeſt concerning the reſtitution of the Electoral Palatine Familie, having been ſeriouſly conſidered by both Houſes, They together came to His Majeſtie in the Banquetting-Houſe on the twelfth of July laſt, where the Speaker delivered the ſaid Houſes their opinion and reſolution in this manner:

YOur Majeſtie in your Royall perſon, was pleaſed to recommend this Manifeſt, touching the Palatine Cauſe, to be read in full Parliament, and to be adviſed ot by both Houſes.

Both the Houſes have ſeriouſly conſidered of it, and have com-

manded me to preſent theſe their humble advices unto your Sacred Majeſtie, which are expreſſed in this Declaration, which hath paſſed the Votes of both the Houſes, and which I am commanded to read unto your Majeſtie.

## Die Mercurii 7. Julii, 1641.

*Reſolved upon the Queſtion;*

THat this Houſe doth approve of His Majeſties pious intentions in the behalf of His Royall Siſter, and His Nephew, the Prince Elector Palatine, and the reſt of the Princes of that family, and of the publiſhing this Manifeſt to that purpoſe; And that

that this Houſe will be ready to give His Majeſtie ſuch advice and aſsiſtance therein by Parliament, as ſhall ſtand with the honour of His Majeſtie, and the intereſt and affections of this Kingdom, if the preſent Treatie ſhall not ſucceed.

## Die Sabbathi 10. Julii, 1641.

*Reſolved in like manner upon the Queſtion by the houſe of Peers;*

THat they do concurre in this Vote with the Houſe of Commons.

I am likewiſe commanded to preſent the humble deſires of both the houſes of Parliament,

That your Majeſtie will be pleaſed to recommend this Manifeſt unto the Parliament of *Scotland*, to have the Concurrence of that Kingdom.

THus much was delivered by the Speaker of the Houſe of Peers, both Houſes then attending His Majeſtie in the Banquetting Houſe at Whitehall: To which His Majeſtie was graciouſly pleaſed to give them this anſwer:

WE take very thankfully the Concurrent advices of both the Houſes of Parliament, in ſo great and pious a VVork, declared in theſe Votes and reſolutions, which you have read unto Us.

VVe

VVe will alſo take care to recommend this Manifeſto unto the Parliament of *Scotland*, to have the Concurrence of that Kingdom, which VVe doubt not they will perform.

# AN UPRORE IN THE NORTH, AT HVLL,

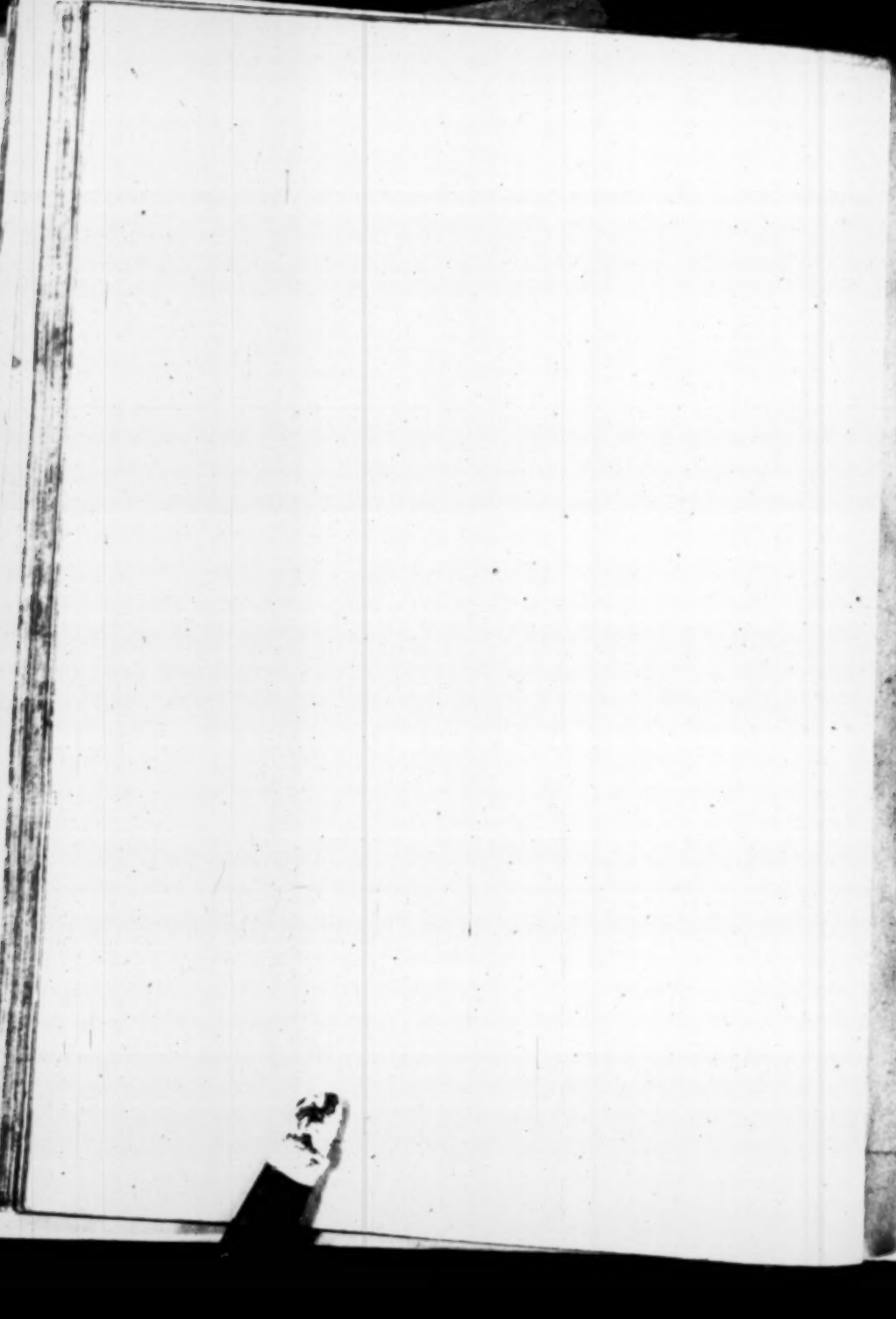
About a moneth ſince by a company of ſouldiers againſt their Captaine.

With the particular ſpeeches ſpoke on either ſide before the ſaid Captaine EDVVARD WALBRUCKE was miſerably wounded and ſlaine.

*Rebellion is as the ſinne of Witchcraft.*

*By* H. T.

Printed *Anno Dom.* 1641.



# AN VPRORE IN THE NORTH, AT HULL,

By a Company of ſouldiers againſt their Captaine *Edw. Walbrucke.*

TO define warre is to ſpeake of a bloody Theame: of which the ſubject on which I write forces me unto.

*Pax ubi non eſt ibi nil honeſti*, ſaith one: where there is no peace honeſty hath little to do, as may appear by the enſuing ſubject. In *Hull* (the ſituation of which place I beleeve few are ignorant of, was a Regiment of Souldiers, who haveing ſome diſtaſte of their Captain, ſcorning to be controuled; told him, as he was their Captaine and commander they honoured him, but if that he went any way to tyrannize over them, he ſhould find a ſouldiers malice not inferiour to a Captains, they ſaid they came thither to fight for their King and country, for whoſe ſakes the beſt blood in their bodies they would ſpend, all ſhouting forth with a generall con-

ſent curſed be he which fears to die in a iuſt cauſe, truth we love, but falſhood contemne.

One better minded Souldier then all the reſt anſwered moſt wiſely after this maner: Do but give me the hearing and you ſhall ſoone grant how rediculous this uprore is; wiſe men never attempt impoſſibilities; tis more eaſie and lawfull for any ſingle arme to quell an army, as to effect with loyalty your intented enterpriſe. We come hither to fight for our King, & to relieve our country from ſlavery, but not to raiſe civill wars amongſt our ſelves, which of all diſſenſion is the worſt: then turning to his Captaine he ſpeaked thus:

What Magick hath transform'd thee from thy ſelf? Where is thy wonted valour? How haſt thou loſt thy boaſted freedome? What new fire burn'd up thy ſcorched entrayles? What unknowne deſires invade and take poſſeſſion of thy ſoule? All vertuous obiects vaniſht? Haſt thou ſtood the ſhocks of fierce encounters? Stopt thine ears againſt all ſyren notes moving to the leaſt diſtemper againſt thy Souldiers? What monſter is it, which hath drawne thy bärke of clemencie, (that which wonder hath kept, an honoured and conſtant courſe:) into the gulfe of a deſerved ill fame? and in a moment with thine own hands dig up a grave to bury the momumentall heape of all thy yeares imployd in noble actions: I ſorrow for thy fate: we obey thee, and willingly put our owne

owne fetters on to grace thy triumph, it were therefore more then cruelty in thee to uſe us as a tyrant uſeth to doe his ſervants, for ſo we are, but not your ſlaves: wherefore I deſire your worſhip to take conſideration.

The Captaine with ſterne look anſwered thus: Hang conſideration.

When you are hanged all, England is able to furniſh me with more I have courage to fetch them in. How durſt you only entertaine a grumbling ſyllable in my cõmand? In me great Mavors ſpake, my voyce did eccho in your eares his thunder, and whilſt you like ſo many ſeaborne Tritons armed onely with the trumpet of our iniunction you thinke you are ſafe now: who durſt but diſpute it or make it queſtionable, if this moment I charge ye from yon hanging cliffe that glaſes his rugged forehead in the neighbour lake to throw your ſelves downe head long: Or like fagots to fill the ditches of defended forts while on your backs I march up to the breach.

One ſtout ſouldier anſwered, that would not I, (which forc'd the captaine for to frown) but yet ſaid the ſouldier: I dare as much as any of great Brittaines boldeſt ſouldiers.

At which the Captaine anſwered, Adde one ſyllable more, thou doſt pronounce a ſentence that Earthquake-like will ſwallow thee: but yet obey mee according to my minde and I am yours.

With a unanimus consent they thus answered:

Thy flatteries we dispise, thus spit at them, and scorne them, and being arm'd in the assurance of our innocent vertue, wee stamp upon all doubts, all feares, all tortures, thy barbarous, cruelty, or villany can shewe upon us: thou art false, falser than Romish religion, more savage than the bear or she Lyon would of her whelps, we have been long burthened with the yoke of your tyrannizing command, and now at length are resolved to shake it off, we doe intend to make no Idol of you, nor as our late Temporizers did to the Altar, bow and bend to you any more upon these tearmes, for since you seeme to forget your love to us, we scorne to tender our servic to you: At which like so many ravening wolves to devour a sheepe or lamb, so ran they upon him and tooke away his life.

He exercised Tyrannie over them, and they inhumanity over him, they acted their parts tragically, and he died most miserably. Alas! who knowes whither with his body they slew his soul also. Commanders of what degree soever, mark this my admonition, Let not your rage, excell reason let not pride oversway you which is a vice by which many fall. Let not your thought be lifted up higher than it becomes.

If men be your servants, make them not your slaves, for fierie spirits are not soon quenched witnes the fierce fire which was kindled against this

this Captaine. It is ſcarce within the compaſſe of patience to endure the tyrannie of a King, much leſſe a Kings ſervant.

As it is the part of a King *parcere ſubiectis*, ſo it is alſo *Debellare ſuperbos*. Who plucke downe the proud, ſuch whoſe ſpirits and ambitious thoughts the higheſt ſphere will not containe: with *Icaris* his wings, many will ſoare aloft, although the ſon melt the wax, and they Chriſten more ſeas; alſo there are many fool hardy, or rather arrogant *Phaetons*, whoſe ambitious minde, will deſire to rule *Phaebus* his horſes, although they burne the world, the little world I meane, their own ſoules. I have done with my admonition to Commanders, now in a few lines I will admoniſh all common Souldiers, and ſo conclude. You which are common Souldiers let obedience ſteer your actions; let not rebellion lurke privily in your hearts, I ſay make not your hearts like ſo many cloſets, to keepe privy conſpiracies hid, for rebellion is a horrid crime which God will puniſh either in this world or the world to come, be ſure you obey your King, and bee not diſobedient to your commanders; if they be bad pray unto God to mend them, but doe not you with your unpartiall ſword end them.

Let this rebellious uproar at *Hull* be a cauſe to make others civil, llet their enormities, make

others

others ceaſe to be vicious: let their cruelty teach others to be mercifull: let their malice bee a cauſe of others love:

This GOD of his gracious mercy grant: Amen.

---

FINIS.

5

# ARTICLES OF ACCUSATION,

EXHIBITED

By the Commons House of Parliament now assembled,

of England

AGAINST

Sr. John Bramston Knight, Sr. Robert Berkley Knight, } Justices of his Majesties Bench.

Sr. Francis Crawley Knight, one of the Justices of the Common-pleas.

Sr. Humphrey Davenport Knight, Sr. Richard Weston Knight, and Sr. Thomas Trevor Knight, } Barons of his Majesties Exchequer.

---

2 Chron. 19. 6, 7.

Jehosophat said to the Judges, Take heed what ye do: for ye judge not for man, but for the Lord, wherefore let the feare of the Lord be upon you: for there is no iniquitie with the Lord our God, nor taking of gifts.

---

Printed in the yeare, 1641.

# ARTICLES

BRITISH MUSEUM

Sr. Francis Cranley, Knight,
Sr. Robert Berkley, Knight,
Sr. John Burton, Knight,

the Commonpleas.

Sr. Humphrey Davenport, Knight, } Barons of his
Sr. Richard Weston, Knight, and } Majesty's Exchequer.
Sr. Thomas Trevor, Knight,

---

Jehoshaphat said to the Judges, Take heed what ye do: for ye judge not for man, but for the Lord, who is with you in the matter. Now therefore let the fear of the Lord be upon you; take heed and do it: for there is no iniquity with the Lord our God, nor respect of persons.

---

Printed in the Year, 1684.

*The Articles of impeachment of Sir* Robert Berkley *Knight, one of the Justices of the Court of the Kings Bench; by the Commons in this present Parliament assembled, in their owne name, and in the name of all the Commons of England, in maintenance of their accusation, whereby hee standeth charged with high treason, and other great misdemeanors.*

*Nprimis*, that the said Sir *Robert Berkley*, then being one of the Justices of the said Court of Kings Bench, hath traiterously, and wickedly, endevoured to subvert the fundamentall Lawes, and established government of the Realme of England; and instead thereof, to introduce an Arbitrarie, and Tyrannicall government against Law, which hee hath declared by traiterous and wicked words, opinions, judgements, practises, and actions appearing in the severall Articles ensuing. 1.

Whereas by the Statute made in the five and twentieth yeare of the raigne of the late King *Henry* the eigth, prices of victualls are appointed to be rated in such manner, as in the said Statute is declared: But it is manifest by the said Statute, Corne is none of the victuals thereby intended. Nevertheless some ill-affected persons endevouring to bring a charge upon the subjects contrary to Law, did surmise that the prices of Corne might be rated, and set according to the direction of that Statute, and thereupon great gaine might be raised to his Majestie, by licenses and dispensations, for selling Corne at other prices: And a command from his Majestie being procured to the Judges, and sent to them by *William Noye* Esquire, his Majesties then 2.

Attorney generall; to deliver their opinions touching the queſtion, whether Corne was ſuch victualls as was intended to have the price rated within the ſaid Statute: In anſwer to which demand, the ſaid Sir *Robert Berkley* then being one of his Majeſties Juſtices of the Court of Kings Bench, in furtherance of the ſaid unlawfull charge, endevoured to be impoſed, as aforeſaid, the 30. day of *November*, in the 8. year of his now Majeſties Raigne, did deliver his opinion, that Corne was ſuch victuall as was intended to have the price rated within the ſaid Statute; which ſaid opinion was contrary to Law, and to the plaine ſence, and meaning of the ſaid Statute; and contrary to his owne knowledge, and was given and delivered by him, with a purpoſe and intention, that the ſaid unlawfull charge might be impoſed upon the Subject.

3. That an information being preferred in the Court of Star-chamber by the ſaid *William Noy*, his Majeſties then Attorney generall, againſt *John Overman* and fifteene other *Soape-makers* Defendants, charging them with ſeverall pretended offences, contrary to divers Letters Patents and Proclamations, touching the making and uttering Soape, and uſing the trade of Soape-makers, and other offences in the ſaid Information mentioned, whereunto the Defendants did plead, and demurre as to part, and anſwer to other part of the ſaid Information: And the ſaid Plea and demurrer being over ruled, for that the particulars therein inſiſted upon, would appeare more fully after anſwer and proofe; therefore the Defendants were ordered to anſwer without prejudice, and were to be admitted to ſuch exceptions to the ſaid Information, and advantages of the matter of the Plea and demurrer upon the hearing as ſhall be materiall; and accordingly the Defendants did put in their anſwers, and ſet forth ſeverall Acts of Parliament, Letters Patents, Charters Cuſtomes, and Acts of Common-councell of the Citie of London, and other matters materially conducing to their defence; and in concluſion pleaded

not

not guiltie. The ſaid Sir *Robert Berkley* then being one of the Juſtices of the Court of Kings Bench, upon the 30. day of *March*, in the eighth year of his Majeſties now raigne, upon an Order of Reference to him and others by the ſaid Court of Star-chamber, to conſider of the impertinencie of the ſaid anſwers, did certifie the ſaid Court of Star-chamber, that the whole anſwers, excepting the fower words and ten laſt lines, ſhould be expunged, leaving thereby no more in ſubſtance of the ſaid anſwers, then the Plea of not guiltie. And after upon a Reference to him and others, by order of the ſaid Court, of the impertinencie of the Interrogatories and depoſitions of witneſſes taken on the Defendants part; in the ſame caſe the ſaid Sir *Robert Berkley*, upon the ſecond day of *May*, in the eighth yeare of his now Majeſties raigne, certified that nine and thirtie of the ſaid Interrogatories, and the depoſitions upon them taken, ſhould be ſuppreſſed with anſwers (except as aforeſaid) and depoſitions, although the ſame did containe the ſaid Defendants moſt materiall defence. Yet were expunged and ſuppreſſed according to the ſaid Certificates; both which ſaid Certificates were contrary to Law, and Juſtice, and contrary to his the ſaid Sir *Robert Berkley's* owne knowledge, and contrary to the ſaid former order, whereby the advantages were ſaved to the Defendants, as aforeſaid: And by reaſon thereof, the ſaid *John Overman*, and the ſaid other fifteene Defendants, were ſentenced in the ſaid Court of Star-chamber, to be committed priſoners to the Fleete, and diſabled from uſing their trade of Soape-makery: And one of them fined in a thouſand five hundred pounds; two of them in a thouſand pound a peece; fower of them in a thouſand Marke a peece; the reſt five hundred pounds a peece; which fines were eſtreated into the Exchequer without any mitigation: And the ſaid Defendants according to the ſaid ſentence were impriſoned, & deprived of their trade and livelihood, tending to the utter ruine of the ſaid Defendants, and to the over-

throw of free trade, and contrary to the libertie of Subjects.

4. That he the said Sir *Robert Berkley* then being one of the Justices of the Court of Kings Bench, and having taken an oath for the due administration of Justice, according to the Lawes and Statutes of this Realme, to his Majesties Liege people; on or about the last of *December* subscribed an opinon in *hac verba*; [I am of opinion, that as where the benefit doth more particularly redound to the good of the Ports, or Maritime parts, (as in case of Pyracie or Depredations upon the Seas) there the charge hath beene, and may be lawfully imposed upon them, according to presidents of former times; so where the good and safety of the kingdome in generall is concerned, and the whole kingdome in danger, (of which his Majestie is the onely Judge) there the charge of the defence, ought to be borne by all the Realme in generall; this I hold agreeable both to Law and reason.]

5. That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of Kings Bench, and duly sworne as aforesaid; In *February* 1636. subscribed an extrajudiciall opinion, in answer to questions in a letter from his Majestie, in *hac verba*;

*Charles R.*, When the good and safetie of the kingdome in generall is concerned, and the whole kingdome in danger? Whether may not the King by writ under the great Seale of England, command all the Subjects of this kingdome, at their charge to provide and furnish such number of Ships, with Men, Victuals and Munition; and for such time, as hee shall thinke fit, for the defence and safeguard of the kingdome, from such danger and perill: And by Law compell the doing thereof in case of refusall, or refractorinesse? and whether in such case is not the King the sole Judge, both of the danger, and when and how the same is to bee prevented and avoyded? *C. R.*

May it please your most excellent Majestie, We have according

'according to your Majesties command, severally every 'man by himselfe, and all of us together, taken into serious 'consideration the Case, and Question, signed by your Ma- 'jestie, and inclosed in your Royall letter: And we are of 'opinion, that when the good and safetie of the kingdome 'in generall is concerned, and the whole kingdome in dan- 'ger, your Majestie may by writ under the great Seale 'of England, command all your Subjects of this your king- 'dome, at their charge to provide and furnish such number 'of Ships, with Men, Victuall and Munition; and for such 'time as your Majestie shall thinke fit, for the defence 'and safeguard of the kingdome, from such danger and pe- 'rill; And that by Law your Majestie may compell the 'doing thereof in case of refusall, or refractorinesse: And 'we are also of opinion that in such case, your Majestie is 'the sole Judge both of the danger, and when and how 'the same is to bee prevented and avoyded. *John* 'Bramston. *John Finch, Humphrey Davenport, John Den-* 'ham, *Richard Hutton, William Jones, George Croke,* 'Thomas Trevor, George Vernon, Robert Berkley, Francis 'Crawley, Richard Weston.

That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of Kings Bench, and duly sworn as aforesaid, did on the deliver his opinion in the Exchequer Chamber, against *John Hampden* Esquire, in the Case of Ship-money, That he the said *John Hampden* upon the matter and substance of the Case, was chargeable with the money then in question: A coppie of which proceeding, and judgement, the Commons of this present Parliament have delivered to your Lordships. 6.

That he the said Sir *Robert Berkley*, then being one of the Justices of the Court of Kings Bench, and one of the Justices of Assize for the Countie of Yorke; did at the Assizes held at Yorke in Lent, 1636. deliver in his charge to the grand Jurie, that it was a lawfull and inseparable flower of the Crowne, for the King to command not onely 7.

the

the Maritime Counties, but also those that were In-land to, finde ships for the defence of the Kingdome. And then likewise falsely, and maliciously affirmed, that it was not his single judgement, but the judgement of all his brethren, witnessed by their subscriptions: And then also said, that there was a rumour that some of his Brethren that had subscribed, were of a contrary judgement; but it was a base and unworthy thing, for any to give his hand contrary to his heart; and then wished for his owne part that his hand might rot from his arme, that was guiltie of any such crime, when as he knew that Mr. Justice *Hutton* and Mr. Justice *Crooke*, who had subscribed, were of a contrary opinion, and was present when they were perswaded to subscribe; and did subscribe for conformitie, onely because the major number of the Judges had subscribed. And he the said Sir *Robert Berkley* then also said, that in some Cases the Judges were above an Act of Parliament; which said false and malitious words were uttered, as aforesaid, with intent and purpose to countenance and maintaine the said unjust opinions, and to terrifie his Majesties Subjects that should refuse to pay Ship-money, or seeke any remedie by Law against the said unjust and illegall taxation.

8. That whereas *Richard Chambers* Merchant having commenced a suit for trespasse and false imprisonment against Sir *Edward Bromfield* Knight, for imprisoning him the said *Chambers* for refusing to pay Ship-money, in the time that the said Sir *Edward Bromfield* was Lord Maior of the Citie of London, in which suit the said Sir *Edward Bromfield* did make a speciall justification: The said Sir *Robert Berkley* then being one of the Justices of the Court of Kings Bench, in Trinitie Terme last, then sitting on the Bench in the said Court, upon debate of the said Case, betweene the said *Chambers* and Sir *Edward Bromfield*, said openly in the said Court, that there was a rule of Law, and a rule of government: And that many things which might not be done by the rule of Law, might be done by the rule

of

of government; and would not suffer the point of legalitie of Ship-money to be argued by the said *Chambers* his Councell; all which opinions, declarations, words and speeches, contained in the third, fourth, fifth, sixth, seventh, & eighth Articles, are destructive to the fundamentall Lawes of this Realme, the Subjects right of propertie, and contrary to former resolutions in Parliament, and to the petition of right: which resolutions in Parliament and petition of right were well knowne to him, and resolved, and enacted, when he was the Kings Sergeant at law, and attendant in the Lords house of Parliament.

That hee the said Sir *Robert Berkley*, then being one of the Judges of the Court of Kings Bench, and being in commission of the Peace, and duly sworne to execute the office of a Justice of Peace in the Countie of *Hertford*, on or about the seventh of *January*, 1638. at which time the generall Sessions of the Peace for the said Countie were there holden: The said Sir *Robert Berkley*, then and there sitting on the Bench, did revile and threaten the grand Jurie returned to serve at the said Sessions, for presenting the removall of the Communion Table in All Saints Church in *Hertford* aforesaid out of the place where it anciently and usually stood, and setting it Altar-wayes, against the Lawes of this Realme, in that Case made and provided, as an innovation in matters concerning the Church; the said grand Jurie having delivered to them in charge at the said Sessions, by Master Sergeant *Atkins* a Justice of Peace of the said Countie of *Hertford*, that by the oath they had taken, they were bound to present all innovations concerning Church matters. And he the said Sir *Robert Berkley* compelled the fore-man of the Jurie, to tell him who gave him any such information, and thereby knowing it to be one *Henry Browne*, one of the said grand Jurie, hee asked the said *Browne* how hee durst meddle with Church matters; who affirming that in the said charge from Master Sergeant *Atkins*, the said Jurie were charged so to doe; he 9.

the ſaid Sir *Robert Berkley* told the ſaid *Browne*, he ſhould therefore finde ſuerties for the good behaviour: and that he the ſaid Sir *Robert Berkley* would ſet a great fine on his head, to make him an example to others; and thereupon the ſaid *Browne* offered ſufficient baile: but he the ſaid Sir *Robert Berkley*, being incenſed againſt him, refuſed the ſaid baile, and committed the ſaid *Browne* to priſon, where hee lay in Irons till the next morning, and uſed to the ſaid *Browne* and the reſt of the Jurors many other reviling and terrifying ſpeeches; And ſaid, he knew no Law for the ſaid preſentment, and told the ſaid *Browne* that he had ſinned in the ſaid preſentment: And he compelled the ſaid grand Jurors to ſay, they were ſorrie for what they had done in that preſentment; and did bid them to trample the ſaid preſentment under their feet, and cauſed *Browne* to teare the ſaid preſentment in his ſight. And hee the ſaid Sir *Robert Berkley*, when as *John Howland*, and *Ralph Pemberton* late Maior of St. *Albans*, came to deſire his opinion on ſeverall Indictments againſt *John Browne* Parſon of Saint *Albons*, and *Anthonie Smith* Vicar of St. *Peters* in Saint *Albons*, at the quarter Seſſions held for the ſaid towne of St. *Albons* on the foure and twentieth of *June*, 1639. for the removall of the Communion Table out of the uſuall place, and not adminiſtring the Sacrament according to the Law in that Caſe provided, Hee the ſaid Sir *Robert Berkley* then told them that ſuch an Indictment was before him at *Hertford*, and that he quaſhed the ſame, and impriſoned the Promoters; by which threatning and reviling ſpeeches, unjuſt actions and declarations he ſo terrified the Jurors in thoſe parts, that they durſt not preſent any Inpovations in Church matters, to their great griefe and trouble of their conſciences.

And whereas ſeverall Indictments were preferred againſt *John Brooke* Parſon of *Yarmouth* by *John Ingram* and *John Carter*, for refuſing ſeverall times to adminiſter the Sacrament of the Lords ſupper to them without any lawfull

full cause, at the Assizes held at *Norwich* in 1633. he the said Sir *Robert Berkley* then being one of the Judges of the Assize, proceeded then to the triall on the said Indictments; where the matter in issue being, that the said *Brooke* refused to administer the said Sacrament, because the said *Ingram* and *Carter* would not receive tickets with their Sir-names before their Christen-names, which was a course never used amongst them but by the said *Brooke*; He the said Sir *Robert Berkley*, did then much discourage the said *Ingrams* Councell, and over-ruled the cause for matter of Law, so as the Jurie never went from the Bar, but there found for the said *Brooke*. And the said Sir *Robert Berkley* bound the said *Ingram* to the good behaviour for prosecuting the said Indictments; and ordered him to pay costs to the said *Brooke* for wrongfully inditing him. And whereas the said *Carter*, not expecting the triall at the same Assizes he preferred his Indictment, was then absent, whereupon the said Sir *Robert Berkley* did cause to be entred on the said Indictment, a *vacat quia non sufficiens in lege*, and ordered an Attachment against the said *Carter*, which said proceedings against the said *Ingram* and *Carter*, by the said Sir *Robert Berkley*, were contrary to Law and Justice, and to his owne knowledge.

That the said Sir *Robert Berkley*, being one of the Justices of the Court of Kings Bench, and duly sworne as aforesaid, in Trinitie terme 1637. deferred to discharge or baile *Alexander Jenings* prisoner in the Fleet, brought by *Habeas Corpus* to the Bar of the said Court, the returne of his Commitment being, that he was committed by two severall warrants from the Lords of the Councell, dated the fift of *November*, 1636. the first being onely read in Court expressing no cause, the other for not paying Messengers fees; and untill he should bring a certificate that hee had paid his Assessement for Ship-money in the Countie of *Bucks*, but remitted him: And in Michaelmas Terme after, the said *Jenings* being brought by another *Habeas* 10.

*Corpus* before him, as afore said, and the same returned; yet he the said Sir *Robert Berkley*, refused to discharge or baile him, but remitted him. And, in Easter Terme, after seaverall rules were given for his Majesties Councell to shew cause why the said *Jennings* should not be bailed, a fourth rule was made for the said *Jennings*, to let his Majesties Attorney generall have notice thereof, and notice was given accordingly; and the said *Jennings* by an other *Habeas Corpus*, brought to the Bar in Trinitie Terme after, and the same returne with this addition of a new Commitment of the fourth of *May*, suggesting he the said *Jennings* had used divers scandalous words in derogation and disparagement of his Majesties government: He the said *Jennings* after severall rules in the end of the said Trinitie Terme, was againe remitted to prison. And he the said Sir *Robert Berkley*, did on the fifth of *June* last, deferre to grant his Majesties writ of *Habeas Corpus*, for *William Pargiter* and *Samuel Dauvers* Esquires, Prisoners in the Gate-house, and in the Fleet: And afterwards having granted the said writ of *Habeas Corpus*, the said *Pargiter* and *Dauvers* were on the eighth of *June* last, brought to the Bar of the said Court, where the returnes of their Commitments were severall warrants from the Lords of the Councell, not expressing any cause; yet he the said Sir *Robert Berkley*, then sitting in the said Court, deferred to baile the said *Pargiter* and *Dauvers*, and the eighteenth of June last, made a rule for a new returne to be received, which were returned the five and twentieth of *June* last, *in hec verba*:

*Whereas his Majestie finding that his subjects of Scotland, have in rebellious and hostile manner assembled themselves together, and intend not onely to shake off their obedience unto his Majestie, but also as Enemies to invade and infest this his kingdome of England, to the danger of his royall person, &c.*

For prevention where of, his Majestie hath by the advice of his Councell-board, given speciall commandement to all

all the Lord Lieutenants of all the Counties of this Realme, appointed for their Randezvouz, in their severall and respective Counties, there to be conducted and drawne together into a body for this service. And whereas his Majestie, according to the Lawes and Statutes of this Realme, and the constant custome of his Predecessours, Kings and Queenes of this Realme, hath power for the defence of this kingdome, and resisting the force of the Enemies thereof, to grant forth Commissions under his great Seale to such fit persons as he shall make choice of, to array and arme the Subjects of this kingdome, and to compell those who are of able body, and of able estates, to arme themselves; and such as should not be able of bodies, but of abilitie in estate, to assesse them according to their estates, to contribute towards the charge of arraying and arming others being able of body, and not able in estate to arme themselves. And such persons as should bee contrariant to commit to prison, there to remaine untill the King should take further order therein.

And whereas the Earle of Exeter, by vertue of his Majesties Commission to him directed, for the arraying and arming of a certaine number of persons in the Countie of Northampton, hath assest *William Pargiter* being a man unfit of body for that service, but being of estate and abilitie fit to contribute amongst others, to pay the sum of five shillings towards the arraying and arming of others of able bodies, and wanting abilitie to array and arme themselves.

And whereas wee have received information from the said Earle, that the said *William Pargiter* hath not onely in a wilfull and disobedient manner refused to pay the said money assessed upon him towards so important a service, to the disturbance and hinderance of the necessary defence of this kingdome; but also by his ill example hath misled many others, and, as we have just cause to believe, hath practised to seduce others from that ready obedience which

they owe, and would otherwiſe have yeelded to his Majeſties juſt command, for the publick defence of his perſon and kingdome; which we purpoſe withall convenient ſpeed to enquire further of and examine.

Theſe are therefore to will and require you, to take into your cuſtodie the perſons of the ſaid *William Pargiter*, and *Samuel Danvers*; and them ſafely to keepe priſoners till further order from this Board, or untill by due courſe of Law they ſhall be delivered: Yet he the ſaid Sir *Robert Berkley*, being deſired to baile the ſaid *Pargiter* and *Danvers*, remitted them; where they remained priſoners till the ninth of *November* laſt or there abouts, although the ſaid *Jenings*, *Pargiter*, and *Danvers*, on all and every the ſaid returnes, were clearely baileable by Law; and the Councell of the ſaid *Jenings*, *Pargiter*, and *Danvers* offered in Court very ſufficient baile. And hee the ſaid Sir *Robert Berkley*, being one of the Juſtices of the Court of Kings Bench, denyed to grant his Majeſties writs of *Habeas Corpus* to very many others his Majeſties ſubjects; and when hee had granted the ſaid writs of *Habeas Corpus* to very many others his Majeſties ſubjects, and on the returne no cauſe appeared, or ſuch onely as was clearly baileable by Law; yet he remanded them, where they remained priſoners very long; which ſaid deferring to grant the ſaid writs of *Habeas Corpus*, and refuſals, and delayes to diſcharge priſoners, or ſuffer them to be bailed, contained in this Article, are deſtructive to the fundamentall Lawes of this Realme, and contrary to former reſolutions in Parliament, and to the petition of Right; which ſaid reſolutions and petition of Right were well knowne to him the ſaid Sir *Robert Berkley*, and were reſolved on and enacted, when he was the Kings Serjeant at Law, and Attendant in the Lords Houſe in Parliament.

11. That whereas there was a cauſe depending in the Court Chriſtian at Norwich, betweene *Samuel Booty* Clerke, and *Collard* for 2 *s.* in the £. for tythes for rents, & houſes

houſes in Norwich, and the ſaid *Collard* moved by his Councell in the Court of Kings Bench for a prohibition to ſtay proceedings in the Court Chriſtian at Norwich, and delivered into the ſaid Court of Kings Bench his ſuggeſtions, that the ſaid cauſe in the ſaid Court Chriſtian was onely for tythes for rents of houſes in Norwich, which was determinable by the Common Law onely: yet hee the ſaid Sir *Robert Berkley*, being one of the Juſtices of the ſaid Court of Kings Bench, and ſitting in the ſaid Court, deferring to grant a Prohibition to the ſaid Court Chriſtian in the ſaid cauſe, although the Councell did move in the ſaid Court many ſeverall times, and ſeverall termes for a Prohibition: And he the ſaid Sir *Robert Berkley* deferred to grant his Majeſties writ of Prohibition, to ſeverall other Courts on the motions of divers others of his Majeſties ſubjects, where the ſame by the Lawes of this Realme ought to have been granted, contrary to the Laws of this Realme, and his owne knowledge.

All which words, opinions, and actions, were ſo ſpoken and done by him the ſaid Sir *Robert Berkley* traiterouſly and wickedly to alienate the hearts of his Majeſties liege people from his Majeſtie, and to ſet a diviſion betwixt them, and to ſubvert the fundamentall Lawes and eſtabliſhed government of his Majeſties Realme of England: For which they doe impeach him the ſaid Sir *Robert Berkley* one of the Juſtices of the Court of Kings Bench, of high treaſon againſt our Soveraigne Lord the King his Crowne and Dignitie, and of the miſdemeanors above mentioned.

And the ſaid Commons by proteſtation ſaving to themſelves onely the liberties of exhibiting at any time hereafter, any other accuſation or impeachment againſt the ſaid Sir *Robert Berkley*, and alſo of replying to the anſwer, that he the ſaid Sir *Robert Berkley* ſhall make to the ſaid Articles, or any of them, or of offering proofe of the premiſſes, or any other impeachments or accuſations that ſhall be exhibited

bited by them, as the Case shall according to the course of Parliaments require, Doe pray that the said Sir *Robert Berkley*, one of the Justices of the Court of Kings Bench, may be put to answer to all and every the premisses; and that such proceedings, examinations, trialls, judgements and executions, may bee upon every of them had and used, as is agreeable to Law and Justice.

---

*The*

---

*Articles of the Houſe of Commons in the name of themſelves, and all the Commons of England, againſt Sir* John Brampſton *Knight, Lord chiefe Juſtice of the Court of Kings Bench, impeaching him as followeth.*

1. THat the ſaid Sir *John Brampſton*, then being Lord Chiefe Juſtice of the Court of Kings Bench, and having taken an oath for the due adminiſtration of Juſtice to his Majeſties liege people, according to the Lawes and Statures of this Realme, did, on or about the laſt of November 1635. ſubſcribe his name to an opinion, *in hac verba*: [I am of opinion, that as where the benefit doth more peculiarly redound to the good of the Ports, or Maritime parts, (as in caſe of Pyracie or Depredations upon the Seas) there the charge hath beene, and may be lawfully impoſed upon them, according to preſidents of former times; ſo where the good and ſafety of the kingdome in generall is concerned, and the whole kingdome in danger, (of which his Majeſtie is the onely Judge) there the charge of the defence ought to be borne by all the Realme in generall: this I hold agreeable both to Law and reaſon.]

2 That hee the ſaid Sir *John Brampſton*, then being Lord chiefe Juſtice of the Court of Kings Bench, about the Moneth of Februarie, 1635. did ſubſcribe an extrajudiciall opinion in anſwer to queſtions in a letter from his Majeſtie, which letter, queſtions and anſwer follow, *in hac verba*;

'*Charles R.* When the good and ſafetie of the king-
'dome in generall is concerned, and the whole kingdome

'in danger, whether may not the King, by writ under the 'great Seale of England, command all the Subjects of this 'kingdome, at their charge, to provide and furniſh ſuch 'number of Ships with Men, Victuall and Munition; and 'for ſuch time, as hee ſhall thinke fit, for the defence and 'ſafeguard of the kingdome, from ſuch danger and perill; 'and by Law compell the doing thereof in caſe of refuſall, 'or refractorineſſe? And whether in ſuch caſe is not the King 'the ſole Judge, both of the danger, and when, and how 'the ſame is to bee prevented and avoided? *C. R.*

'May it pleaſe your moſt excellent Majeſtie, We have, 'according to your Majeſties command, ſeverally every 'man by himſelfe, and all of us together, taken into ſerious 'conſideration the Caſe and Queſtion ſigned by your Ma'jeſtie, and incloſed in your Royall letter; and we are of 'opinion, that when the good and ſafetie of the kingdome 'in generall is concerned, and the whole kingdome in dan'ger, your Majeſtie may by writ under the great Seale 'of England, command all the Subjects of this your king'dome, at their charge, to provide and furniſh ſuch number 'of Ships with Men, Victuall and Munition; and for ſuch 'time as your Majeſtie ſhall thinke fit, for the defence 'and ſafeguard of the kingdome, from ſuch danger and pe'rill; and that by Law your Majeſtie may compell the 'doing thereof in caſe of refuſall, or refractorineſſe: And 'we are alſo of opinion that in ſuch caſe, your Majeſtie is 'the ſole Judge both of the danger, and when, and how 'the ſame is to bee prevented and avoided. *John 'Brampſton, John Finch, Humphrey Davenport, John Den'ham, Richard Hutton, William Jones, George Crooke, 'Thomas Trevor, George Vernon, Robert Berkley, Francis 'Crawley, Richard Weſton.*

Which ſaid opinions conteined in the firſt and ſecond Articles, are deſtructive to the fundamentall Lawes of this Realme, the ſubjects right of propertie, and contrary to former reſolutions in Parliament, and to the petition of right.

3 That

8 That he the ſaid Sir *John Brampſton*, then Lord chiefe Juſtice of the Court of Kings Bench, about Trinity terme, 1637. refuſed to baile or diſcharge *Alexander Jennings* priſoner in the Fleete, brought by *habeas Corpus* to the barre before him, the returne of this Commitment being two ſeverall warrants from the Lords of the Councell, dated the fifth of November 1635. the firſt expreſſing no cauſe, the other for not paying meſſengers fees, and untill he ſhould bring certificate that he had paid his Aſſeſſement for Ship-money, in the Countie of *Bucks*: And the ſaid Sir *John Brampſton*, the firſt warrant being onely read, then ſaid, The cauſe of his Commitment did not appeare; and it was not fit for every Gaoler to be made acquainted by the Lords of the Councell why they committed, and therefore remitted him; and in Michaelmas Terme after, the ſaid *Jennings* being brought by another *Habeas Corpus*, as aforeſaid, and the ſame returned, yet hee the ſaid Sir *John Brampſton*, refuſed to diſcharge or baile him, but remitted him. And in Eaſter Terme next, after ſeverall rules for his Majeſties Councell to ſhew cauſe why he the ſaid *Jennings* ſhould not be bailed, a fourth rule was made for the ſaid *Jennings*, to let his Majeſties Attorney have notice, which notice was given accordingly, yet he remitted him. And the ſaid *Jennings* by another *Habeas Corpus* brought to the Barre, as aforeſaid, in Trinitie Terme after, and the ſame returne with the addition of a new Commitment of the fourth of May, 1638. ſuggeſted, that he the ſaid *Jennings* had uſed divers ſcandalous words in derogation and diſparagement of his Majeſties government; after ſeverall rules, in the end of the ſaid Trinitie Terme, hee againe remitted him to priſon. And he the ſaid Sir *John Brampſton*, about the ninth of July after, at his chamber in *Serjeants Inne*, being deſired by Maſter *Meautis*, one of the Clerkes of the Councell-board, to diſcharge the ſaid *Jennings*, for that he the ſaid *Jennings* had entred into a Bond of one thouſand pounds, to appeare before the Lords of the

Councell the next Michaelmas Terme after, and to attend *de die in diem*; yet he the ſaid Sir *John Brampſton* refuſed to diſcharge the ſaid *Jennings* untill he entered into Recognizance to appeare the next Terme, and in the meane time to be of his good behaviour. And the ſaid *Jennings* was continued on his ſaid Recognizance till Eaſter Terme after. And the ſaid Sir *John Brampſton*, did on the 5. of June, 1640. deferre to grant his Majeſties writ of *Habeas Corpus* for *Samuel Danvers*, and *William Pargiter* Eſquires, priſoners in the Gate-houſe, and in the Fleet; and when he had granted the ſaid writ, the ſaid eighth of June after the returne, being the order of the Councell Table, not expreſsing any cauſe, he the ſaid Sir *John Brampſton* deferred to baile the ſaid *Pargiter*. And the eighteenth of June after, made a rule for a new returne to be received, which was returned the five and twentieth of the ſaid June, *in hæc verba*:

Whereas his Majeſtie finding that his ſubjects of Scotland, have in rebellious and hoſtile manner aſſembled themſelves together, and intend not onely to ſhake off their obedience unto his Majeſtie, but alſo as enemies to invade and infeſt this his kingdome of England, to the danger of his royall perſon, &c.

For prevention whereof his Majeſtie hath, by the advice of his Councell-board, given ſpeciall commandement to all the Lord Lievtenants of all the Counties of his Realme, with expedition, to array and arme a certaine number of able men in each Countie, to be prepared, and ready to be conducted to ſuch place, as ſhould be appointed for their Randezvouz, in their ſeverall and reſpective Counties, there to be conducted and drawn together into a body for this ſervice.

And whereas his Majeſtie, according to the Lawes and Statutes of this Realme, and the conſtant cuſtome of his Predeceſſours, Kings and Queenes of this Realme, hath power for the defence of this kingdome, and reſiſting the force

force of the Enemies thereof, to grant forth Commiſsions under his great Seale to ſuch fit perſons as he ſhall make choice of, to array & arme the ſubjects of this kingdom, & to compell thoſe who are of able bodies, & of able eſtates, to arme themſelves; & ſuch as ſhould not be able of bodies, but of abilitie in eſtate, to aſſeſſe them according to their eſtates, to contribute towards the charge of arraying and arming others being able of body, and not able in eſtate to arme themſelves: And ſuch perſons as ſhould be contrariant to commit to priſon, there to remaine untill the King ſhould take further order therein.

And whereas the Earle of Exeter, by vertue of his Majeſties Commiſſion to him directed, for the arraying and arming of a certaine number of perſons in the Countie of Northampton, hath aſſeſt *William Pargiter* being a man unfit of body for that ſervice, but being of eſtate and abilitie fit to contribute amongſt others, to pay the ſum of five ſhillings towards the arraying and arming of others of able bodies, and wanting abilitie to arme and array themſelves.

And whereas we have received information from the ſaid Earle, that the ſaid *William Pargiter* hath not onely in a wilfull and diſobedient manner refuſed to pay the ſaid money aſſeſſed upon him towards ſo important a ſervice, to the diſturbance and hinderance of the neceſſary defence of this kingdome; but alſo by his ill example hath miſ-led many others, and, as we have juſt cauſe to believe, hath practiſed to ſeduce others from that ready obedience which they owe, and would otherwiſe have yeelded to his Majeſties juſt command, for the publick defence of his perſon and kingdome; which we purpoſe with all convenient ſpeed to enquire further of and examine.

Theſe are therefore to will and require you, to take into your cuſtodie the perſons of the ſaid *William Pargiter*, and him ſafely to keepe priſoner till further order from this Board, or untill by due courſe of Law he ſhall be delivered

(And the like returne was then made in all things, *mutatis mutandis*, concerning the ſaid *Danvers* for not paying a ſum of money aſſeſſed upon him:) yet hee the ſaid Sir *John Brampſton* deferred to baile the ſaid *Danvers*, and *Pargiter* but remitted the ſaid *Danvers* to the Fleete, where hee remained till the twelfth of July, 1640. and the ſaid *Pargiter* to the priſon of the Gate-houſe, where he remained till the ninth of November laſt; although the ſaid *Jennings*, *Danvers*, and *Pargiter* upon all and every the ſaid returnes, ought to have been diſcharged or bailed by Law; and the Councell of the ſaid *Jennings*, *Danvers*, and *Pargiter* offered in Court very ſufficient baile. And he the ſaid Sir *John Brampſton* being chiefe Juſtice of the Court of Kings Bench, denyed to grant his Majeſties writ of *Habeas Corpus* to very many others his Majeſties ſubjects: and when he had granted the ſaid writs of *Habeas Corpus* to very many others his Majeſties ſubjects, and on the returne no cauſe appeared, or ſuch cauſe onely as was clearly baileable by Law, yet he remanded them, where they remained priſoners very long; which ſaid deferring to grant the ſaid writs of *Habeas Corpus*, and refuſall, and delayes to diſcharge priſoners, or ſuffer them to be bailed, contained in this Article, are deſtructive to the fundamentall Lawes of this Realme, and contrary to former reſolutions in Parliament, and to the petition of Right; which ſaid reſolutions and petition of Right were well knowne to him the ſaid Sir *John Brampſton*.

4 That whereas there was a cauſe depending in the Court Chriſtian at Norwich, between *Samuel Booty* Clerk, and *Collard* for two ſhillings in the pound for tithes for rents of houſes in Norwich, and the ſaid *Collard* moved by his Councell in the Court of Kings Bench for a prohibition to ſtay Proceedings in the Court Chriſtian at Norwich, and delivered into the ſaid Court of Kings Bench his ſuggeſtions, that the ſaid cauſe in the ſaid Court Chriſtian was for tithes for rents of houſes in Norwich, which

which was determinable by the Common Law only; yet he the ſaid Sir *John* Brampſton, being chiefe Juſtice of the ſaid Court of Kings Bench, and ſitting in the ſaid Court, deferred to grant a Prohibition to the ſaid Court Chriſtian in the ſaid cauſe, although the Councell did move in the ſaid Court ſeverall times, and ſeverall termes for a Prohibition: And he the ſaid Sir *John* Brampſton deferred to grant his Majeſties writs of Prohibition to ſeverall other Courts on the motions of divers others of his Majeſties ſubjects, where the ſame by the Lawes of this Realme ought to have been granted, contrary to the Lawes of this Realme, and his owne knowledge.

And the ſaid Commons by proteſtation, ſaving to themſelves onely the liberties of exhibiting at any time hereafter, any other accuſation or impeachment againſt the ſaid Sir *John* Brampſton and alſo of replying to the anſwer that he the ſaid Sir *John* Brampſton ſhall make unto the ſaid Articles, or any of them, or of offering proofe of the premiſſes, or any of their impeachments or accuſations that ſhall be exhibited by them, as the Caſe ſhall (according to the courſe of Parliaments) require, doe pray that the ſaid Sir *John* Brampſton, Lord chiefe Juſtice of the Court of Kings Bench, may be put to anſwer to all and every the premiſſes; and that ſuch proceedings, examinations, trials, and judgements, may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

---

*Articles*

*Articles of the Houſe of Commons in the name of themſelves, and of all the Commons of England, againſt Sir* Francis Crawley *Knight, one of the Juſtices of his Majeſties Court of Common-pleas, impeaching him as followeth.*

1. THat he about the Moneth of November *Anno Dom.* 1635. then being one of the Juſtices of the Court of Common-pleas, & having taken an oath for the due adminiſtration of Juſtice to his Majeſties liege people; according to the Laws and Statutes of this Realme, ſubſcribed an opinion *in hac verba*: [I am of opinion, that as where the benefit doth more peculiarly redound to the good of the Ports, or Maritime parts, (as in caſe of Pyracie or Depredations upon the Seas) there the charge hath been, and may be lawfully impoſed upon them, according to preſidents of former times; ſo where the good and ſafetie of the kingdome in generall is concerned, and the whole kingdome in danger, (of which his Majeſtie is the onely Judge) there the charge of the defence ought to be borne by all the Realme in generall: this I hold agreeable both to Law and reaſon.]

2 That he, in or about the moneth of Februarie *An. Do.* 1636. then being one of the Juſtices of the ſaid Court of Common-pleas, ſubſcribed an extrajudiciall opinion, in anwer to queſtions in a letter from his Majeſtie, *in hac verba*:

'*Charles R.* When the good and ſafetie of the king-
'dome in generall is concerned, and the whole kingdome
'in danger, Whether may not the King, by writ under the
'great Seale of England, command all the Subjects of this
'kingdome, at their charge, to provide and furniſh ſuch
'number of Ships with Men, Victuall and Munition; and
'for

'for ſuch time as hee ſhall thinke fit for the defence and 'ſafeguard of the kingdome from ſuch danger and perill, 'and by Law compell the doing thereof, in caſe of refuſall, 'or refractorineſſe: And whether in ſuch caſe is not the 'King the ſole Judge, both of the danger, and when, and 'how the ſame is to be prevented and avoided. *C. R.*

'May it pleaſe your moſt excellent Majeſtie, we have, 'according to your Majeſties command, ſeverally every 'man by himſelfe, and all of us together, taken into ſerious 'conſideration the Caſe and Queſtion ſigned by your Ma-'jeſtie, and incloſed in your Royall letter; and we are of 'opinion, that when the good and ſafetie of the kingdome 'in generall is concerned, and the whole kingdome in dan-'ger, your Majeſtie may, by writ under the great Seale 'of England, command all the Subjects of this your king-'dome, at their charge, to provide and furniſh ſuch number 'of Ships, with Men, Victuall and Munition; and for ſuch 'time as your Majeſtie ſhall thinke fit, for the defence 'and ſafeguard of the kingdome, from ſuch danger and pe-'rill; and that by Law your Majeſtie may compell the 'doing thereof in caſe of refuſall, or refractorineſſe: And 'wee are alſo of opinion that in ſuch caſe your Majeſtie is 'the ſole Judge both of the danger, and when, and how 'the ſame is to bee prevented and avoided. *John* '*Brampſton*, *John Finch*, *Humphrey Davenport*, *John* '*Denham*, *Richard Hutton*, *William Jones*, *George Crooke*, '*Thomas Trevor*, *George Vernon*, *Robert Berkley*, *Francis* '*Crawley*, *Richard Weſton.*

3 That he then being one of the Juſtices of the ſaid Court of Common-pleas, delivered an opinion in the Exchequer Chamber againſt *John Hampden* Eſquire, in caſe of Ship-money; that hee the ſaid *John Hampden* upon the matter and ſubſtance of the caſe, was chargeable with the money then in queſtion, (a copie of which proceedings and judge-ment, the Commons of this preſent Parliament have al-ready delivered to your Lordſhips.)

4 That hee then being one of the Juſtices of the ſaid Court of Common-pleas, declared and publiſhed in the Exchequer Chamber, and Weſtminſter Circuits, where he went Judge, That the Kings Right to Ship-money was ſo inherent a Right in the Crowne, as an Act of Parliament could not take it away. And with divers malitious ſpeeches enveighed againſt, threatned and diſcountenanced ſuch as refuſed to pay Ship-money. All which opinions and judgements contained in the firſt, ſecond and third Articles are deſtructive to the fundamentall Lawes of this Realme, the Subjects right of propertie, and contrary to former reſolutions in parliament, and to the petition of Right, which ſaid reſolutions and petitions of Right were well knowne to him.

And the ſaid Commons by proteſtation, ſaving to themſelves onely the Liberties of exhibiting at any time hereafter any other accuſation or impeachment againſt the ſaid Sir *Francis Crawley*, and alſo of replying to the anſwer that he the ſaid Sir *Francis Crawley* ſhall make unto the ſaid Articles or any of them, or of offering proofe of the premiſſes, or of any of their impeachments or accuſations that ſhall be exhibited by them, as the Caſe ſhall according to the courſe of Parliaments require, Doe pray that the ſaid Sir *Francis Crawley*, one of the Juſtices of the ſaid Court of Common-pleas, may be put to anſwer to all and every the premiſſes; and that ſuch proceedings, examinations, trialls, and judgements may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

*Articles*

*Articles of the Houſe of Commons in the name of themſelves, and of all the Commons of England, againſt Sir* Humphrey Davenport *Knight, Lord chiefe Baron of his Majeſties Court of Exchequer, impeaching him as followeth.*

THat whereas in the moneth of October, in the fourth yeare of his Majeſties Raigne, the Farmours and Officers of the Cuſtome-houſe, having ſeized great quantities of Currants, being the goods of *Samuel Vaſſall* Merchant, and having conveyed them into certaine Store-houſes at the Cuſtome houſe and detained them, becauſe the ſaid *Samuel Vaſſall* refuſed to pay an impoſition of five ſhillings ſix pence upon every hundred weight of the ſaid Currants, pretended to be due, and demanded by the ſaid Farmours and Officers on his Majeſties behalfe for the ſaid Currants, whereas no ſuch impoſition was due or paiable for the ſame; but the ſaid impoſition was and is againſt the Lawes of this Realme. And whereas alſo in Michaelmas Terme, in the ſaid fourth yeare of his Majeſties Raigne, his Majeſties then Attorney generall exhibited an information by Engliſh Bill in the Exchequer againſt the ſaid *Samuel Vaſſal*, ſetting forth that King *James* by his Letters Patents dated *tertio Novem.* in the ſecond yeare of his Raigne, did command the ſaid impoſition of 5. s. 6. d. upon every hundred weight of Currants ſhould bee demanded and received: And that his Majeſtie that now is, by his Letters Patents dated the ſix and twentieth day of July, in the ſecond yeare of his Raigne, did, by adviſe of his Privie Councell, declare his will and pleaſure to be, that Subſidies, Cuſtomes and Impoſt ſhould be levied in ſuch manner as they were in the time of King *James*; and the ſame, and

the Farmes thereof to continue untill it might receive a ſetling by Parliament, and commanded the levying and receiving the ſame accordingly; and that the ſaid *Samuel Vaſſall* before the ſaid firſt day of October then laſt before the ſaid Information exhibited, did bring into the port of London in ſhips foure thouſand ſix hundred thirty eight hundred weight of Currants, and that *Richard Carmarthen* Surveyour in the ſaid port of London, the ſaid firſt day of October demanded of the ſaid *Samuel Vaſſall* the ſaid Impoſition of five ſhillings ſix pence for every hundred weight of the ſaid Currants, and that the ſaid *Samuel Vaſſall* refuſed to pay the ſaid impoſition, and unjuſtly detained it from the King: To which Information the ſaid *Samuell Vaſſall* appeared, and pleaded the Statute of *Magna Charta*, and the Statute of *De Tallagio non concedendo*, and that he was a Subject borne under the Kings Allegeance, and a Merchant of *London* uſing that trade, and that the ſaid ſumme of five ſhillings ſix pence upon every hundred weight of Currants, was and is *malum talnetum*, and not *antiqua ſeu recta conſuetudo*, and that it was impoſed without aſſent of Parliament: to which Plea the ſaid Atturney Generall demurred in Law, and the ſaid *Samuel Vaſſall* joyned in demurrer with him; and when the ſaid cauſe came to bee argued, *viz.* in Trinity Terme, in the ſixth yeare of his Majeſties Reigne, the ſaid Sir *Humphrey Davenport* being then Lord chiefe Baron of his Majeſties ſaid Court of *Exchequer*, did contrary to his oath, and contrary to the Lawes of this Realme, and to the great impoveriſhment of the ſaid *Samuel Vaſſall*, publikely deny to heare the Counſell of the ſaid *Samuel Vaſſall* to argue for him, and ſaid, that the Caſe of the ſaid *Samuel Vaſſall* would fall under the ſame rule with the caſe of one *Bates*, and therefore was already judged: and when the Councell of the ſaid *Samuel Vaſſall* anſwering that they had nothing to doe with *Bates* his

his Caſe, but deſired to argue for *M. Vaſſall*, the ſaid Sir *Humphrey Davenport* replied, that they knew the opinion of the Court, and ſhould be heard no farther, and ſaid, that the King was in poſſeſſion, and that they (meaning the ſaid Court of Exchequer) would keepe him in poſſeſſion: And the ſaid Sir *Humphrey Davenport* ſhortly after did (together with the reſt of the then Barons of the ſaid Court of Exchequer) impriſon the ſaid *Samuel Vaſſall* for not paying ſuch ſummes of money as were pretended by the ſaid Officers of the Cuſtome-houſe, to bee due to his Majeſtie, and did delay the ſaid *Samuel Vaſſall* from time to time, from having reſtitution of his ſaid goods, being often in Court moved thereto with intention to force the ſaid *Samuel Vaſſall* to pay the ſaid unlawfull impoſition, and did alſo give his opinion and judgement upon the ſaid Information for the King, and againſt the ſaid *Samuel Vaſſall*, and by ſeverall orders for that purpoſe made, did continue the poſſeſſion of the ſaid goods in the King, and the ſaid *Samuel Vaſſall* could never obtaine any reſtitution at all of his ſaid goods; whereas it was commanded to the Sheriffe of the Countie of Yorke, by Writ under the Seale of his Majeſties Court of Exchequer, dated the ſixteenth day of May in the ſeventh yeere of his Majeſties Reigne that now is, That he ſhould diſtraine *James Maleverer* Eſquire, to appeare before the Barons of his Majeſties ſaid Court of Exchequer, in the Octaves of the holy Trinity then next following, to make fine to the King for his treſpaſſe and contempt in not comming to the preſence of the King before the 31. day of January in the firſt yeare of his ſaid Majeſties Reigne, to take upon him the order of Knighthood, according to the forme of a Proclamation in that behalfe formerly made, at which day of the ſaid Octaves of the holy Trinity, the ſaid *J. Maleverer* did appeare, and pleaded to the ſaid Writs, that although his ſaid Majeſty, the ſaid 31. day of January, and for three days next before, the ſaid 31.

day of January was reſident and remaining at his Pallace at White-hall in the County of Middleſex, and that the ſaid *James Maleverer* the ſaid one and thirtieth day of January, and three dayes next before the ſaid one and thirtieth day of January, was reſident and remaining at Ancliffe in the ſaid County of Yorke, which is diſtant from the ſaid Palace of White-hall the ſpace of one hundred and foureſcore miles; and that the ſaid *James Maleverer* the ſaid one & thirtieth day of January aforeſaid, or at any time before, had no lands or rents in his own hands, or in the hands of Feoffees, to his uſe, out of the ſaid County of Yorke, and that that part of the ſaid County of Yorke which is neereſt to the ſaid Palace of White-hall, is diſtant from the ſaid Palace of White-hall the ſpace of one hundred and thirty miles; and that no Proclamation by vertue of any Writ of Proclamation, for the appearance of any perſons whatſoever, to take the ſaid Order of Knighthood, was made in any part of the ſaid County of Yorke before the thirtieth day of January in the ſaid firſt yeare of his Majeſties Reigne, by reaſon whereof the ſaid *James Maleverer* could not perſonally come to the preſence of his ſaid Majeſtie to take the ſaid Order of Knighthood before the ſaid one and thirtieth day of January in the ſaid firſt yeare of his Majeſties ſaid Reigne, yet the ſaid *James Maleverer* for his fine in the premiſſes did humbly ſubmit himſelfe to the ſaid Court, and demanded to be diſcharged of the ſaid iſſues returned and impoſed upon him by reaſon of the premiſſes; yet notwithſtanding the ſaid Plea and ſubmiſſion of the ſaid *James Maleverer*, and after the ſame was made as aforeſaid, and entred upon Record in his Majeſties ſaid Court of Exchequer, and the ſaid Court moved for ſtay of the Proceſſe, and diſcharge of the iſſues, the ſaid Sir *Humphrey Davenport* being then Lord chiefe Baron of the ſaid Court of Exchequer, contrary to his oath, and contrary to the Laws of this Realme, and to the great impoveriſhing of the ſaid *James Maleverer*,

did

did (together with the reſt of the then Barons of the ſaid Court) refuſe to impoſe any fine whatſoever upon the ſaid *James Maleverer*, and told him that the ſaid Court had no power to fine him, and that hee muſt compound with certaine Commiſſioners for that purpoſe appointed. And did farther order and direct ſeverall other writs of *Diſtringas*, to iſſue forth of his Majeſties ſaid Court of Exchequer, under the Seale of the ſaid Court, directed to the ſeverall high Sheriffes of the ſaid Countie of Yorke, whereby the ſaid Sheriffes were commanded further to diſtraine the ſaid *James Maleverer* to appeare, as aforeſaid: upon which ſaid writs of *Diſtringas*, ſeverall great and exceſſive iſſues were returned upon the lands of the ſaid *James Maleverer*, amounting to the ſumme of two thouſand pounds or there abouts, a great part whereof, the ſaid *James Maleverer* was inforced to pay; and in like manner the ſaid Sir *Humphrey Davenport* (together with the reſt of the then Barons of the ſaid Court of Exchequer) did order and direct ſuch and the like unjuſt and undue proceedings, and the ſaid proceedings were had and made accordingly againſt *Thomas Moyſer* Eſquire, and againſt ſeverall other perſons his Majeſties ſubjects in ſeverall parts of this Realme, to the utter undoing of many of them.

2 That a ſentence of Degradation being given by the high Commiſſioners of the Province of Yorke, againſt *Peter Smart*, Clerke, one of the Prebends of the Church of Durham, for a Sermon by him formerly preached againſt ſome Innovations in the Church of Durham, a triall was afterwards had, *viz.* in Auguſt in the ſeventh yeare of his ſaid Majeſties Reigne, before the ſaid Sir *Humphrey Davenport* Knight, then one of the Judges of Aſſizes and *Niſi prius* for the Countie Palatine of Durham, concerning the Corps of the Prebend of the ſaid M. *Smart*, which was then pretended to be void by the ſaid ſentence of Degradation; the ſaid Sir *Humphrey Davenport* contrary

to

to his oath, and contrary to the Lawes of this Realme, and to the deſtruction of the ſaid Maſter *Smart*, upon reading the writ *de hæretico comburendo*, did publickly on the Bench, in the preſence of divers his Majeſties Subiects then attending, declare his opinion to be, that the ſaid Prebends place was void, and gave directions to the Jurie then at Barre to finde accordingly: and being then informed that although the ſaid Maſter *Smart* had been dead or deprived, yet the profits of his Prebend had been due to his Executors till the Michaelmas following, the ſaid Sir *Humphrey Davenport* then anſwered, that though the ſaid Maſter *Smart* was not dead, yet if he had had his deſert, he had been dead long agoe, for hee deſerved to have beene hanged for the ſaid Sermon, and that hee was as wicked a man as any lived in the world: call him no more Maſter *Smart*, but plaine *Smart*. And when the ſaid Jurie had found againſt the ſaid Maſter *Smart*, the ſaid Sir *Humphrey Davenport*, in ſcandall of his Majeſties government and Juſtice, and of the proceedings of his Majeſties Judges, did publickly as aforeſaid ſpeake words to this effect; that the ſaid Jurie had well done, and that the ſaid *Smart* had no remedy ſave by appeale to the King; and there he ſhould finde but cold comfort, for the King would not goe againſt his owne Prerogative, upon which the Judges and high Commiſſioners did depend, and therefore would not contradict one anothers Acts.

That the ſaid Sir *Humphrey Davenport* about the moneth of November, *Anno Dom.* 1635, then being Lord chiefe Baron of his Majeſties Court of Exchequer, and having taken an oath for the due adminiſtration of Juſtice to his Majeſties liege people, according to the Lawes and Statutes of this Realme, ſubſcribed his name to an opinion, *in hæc verba:* [I am of opinion, that as where the benefit doth more particulary redound to the good of the Ports, or Maritime parts, (as in Caſe of Pyracie or Depredations upon the Seas) there the charge hath beene, and may be lawfully impoſed

upon

upon them, according to presidents of former times; so where the good and safety of the kingdome in generall is concerned, and the whole kingdome in danger, (of which his Majestie is the onely Judge) there the charge of the defence ought to be borne by all the Realme in generall: this I hold agreeable both to Law and reason.

That in or about the moneth of Februarie *Anno Dom.* 1636. the said Sir *Humphrey Davenport*, then being Lord chiefe Baron of the said Court of Exchequer, subscribed an extrajudiciall opinion in answer to questions in a letter from his Majestie, *in hac verba*:

'*Charles R.* When the good and safetie of the kingdome in generall is concerned, and the whole kingdome in danger, whether may not the King, by writ under the great Seale of England, command all the Subjects of this kingdome, at their charge, to provide and furnish such number of Ships with Men, Victuall and Munition; and for such time, as hee shall thinke fit, for the defence and safeguard of the kingdome, from such danger and perill; and by Law compell the doing thereof in case of refusall, or refractorinesse? And whether in such case is not the King the sole Judge, both of the danger, and when, and how the same is to bee prevented and avoided? *C. R.*

'May it please your most excellent Majestie, We have, according to your Majesties command, severally every man by himselfe, and all of us together, taken into serious consideration the Case and Question signed by your Majestie, and inclosed in your Royall letter; and we are of opinion, that when the good and safetie of the kingdome in generall is concerned, and the whole kingdome in danger, your Majestie may by writ under the great Seale of England, command all the Subjects of this your kingdome, at their charge, to provide and furnish such number of Ships with Men, Victuall and Munition; and for such time as your Majestie shall thinke fit, for the defence and safeguard of the kingdome, from such danger and perill;

'rill; and that by Law your Majestie may compell the 'doing thereof in case of refusall, or refractorinesse: And 'we are also of opinion that in such case your Majestie is 'the sole Judge both of the danger, and when, and how 'the same is to bee prevented and avoided. *John* 'Brampston, John Finch, Humphrey Davenport, John Den- 'ham, Richard Hutton, William Jones, George Croke, 'Thomas Trevor, George Vernon, Robert Berkley, Francis 'Crawley, Richard Weston.

That whereas an Action of Batterie was brought by one *Richard Legge*, against *Robert Hoblins*, to which the said *Hoblins* pleaded a Justification *de son assault demesne*, and the said cause came to triall at the Assizes held for the Countie of Glouc'ster in Summer, 1636. before the said Sir *Humphrey Davenport* then one of the Justices of Assize and *Nisi prius* for that Countie: At the said triall the said *Robert Hoblins* did begin to make proofe of his said justification, and produced one *Robert Tilly* a witnesse in the cause, who proved upon oath that the said *Richard Legge* did make the first assault upon the said *Robert Hoblins*, and that the occasion thereof was, that the said *Richard Legge* and others came upon the lands then in possession of the said *Hoblins*, and did take and drive away eighteene Cowes of the said *Hoblins*, pretending they had a warrant from the Shetiffe to distrein the same for forty shillings assessed upon the said *Hoblins* for Ship-money; and when the said *Hoblins* (being present) endevoured to hinder the said *Legge* and others from taking away his said Cattell, the said *Legge* stroke the said *Hoblins* with a staffe, who afterwards defended himselfe. That upon the opening of the matter the said Sir *Humphrey Davenport* would not suffer the said *Hoblins* to produce any more witnesses on his behalfe, (though the said *Hoblins* desired that other of his said witnesses then present, and sworne might be heard) nor his Counsell to speake for him, but being informed that the said *Hoblins* (when Ship-money was demanded of him)

answered

answered that hee would not pay the same, because it was not granted by Parliament, the said Sir *Humphrey Davenport* did then (openly in the hearing of a great number of his Majesties liege people, then assembled and attending the said Court) in great passion reprove the said *Hobbins*, and told him that the King was not to call a Parliament to give him satisfaction, and did then and there also falsly and of purpose, to prevent his Majesties loving Subjects from the due and ordinary course of Law, and contrary to his oath and the Lawes of the Realme, publish, declare and affirme, that it was adjudged by all the Judges of England, that Ship-money, was due to the King and directed the Jury sworne in that cause to finde a Verdict for the said *Richard Legge*; and the said Jury did accordingly, and gave him twenty pound dammages. And the said *Humphrey Davenport* did then also without any cause imprison the said *Robert Hobbins*, and bound him to the good behaviour. That whereas in the month of Aprill, *Decimo sexto Caroli*, the officers of the Custome-house having seized a Ship of one *Samuel Warner* laden with Tobacco, being the goods of the said *Warner*, the Bulke of the said Ship not being broken, and no information exhibited for the King according to the course of the Exchequer for any duties, the Barons were moved, that the said Ship might be restored to the Proprietor, giving securitie to pay such duties as did belong to the King; But upon the allegation of the Kings Attorney, that there needed no information because there was no penaltie, the said Sir *Humphrey Davenport*, being then Lord chiefe Baron of his Majesties Court of Exchequer together with the rest of the then Barons of the said Court, did (contrary to his oath, and contrary to the Lawes of this Realme,) deny the restitution of the said Ship, unlesse all the duties demanded by the Farmours of the Custome-house were first paid. Hereupon the said *Warner* brought an action of *Trover* in the office of Pleas in the Exchequer against the said Officers that seized his Ship and goods;

whereupon the Kings Attorney generall exhibited an information by English Bill in the Exchequer chamber against the said *Warner*; setting forth, that Customes and Subsidies upon Merchandize were a great part of the Kings revennue, and payable to him, and that the said Ship was seized for non-payment of the aforesaid duties, notwithstanding the said *Warner* then Proprietor, prosecuted the officers upon a suit at Law, and prayes that hee may answer the said Information before any further proceedings be had at Law: Thereupon the said Sir *Humphrey Davenport*, together with the rest of the then Barons of the said Court of Exchequer, ordered, that the Proprietor moving for the delivery of the said goods, should first answer to the information; after which the said *Warner* demurred to the said Information, in regard no title for any certaine dutie was set forth by the Information, which demurrer yet remains not over-ruled; but the said Sir *Humphrey Davenport*, with the said other Barons, without over-ruling the demurrer, ordered, because *Warner* had put in a demurrer and not answered to the said Information, that he should not proceede upon the action of *Trover*. The Proprietor being thus prevented of his remedy by Action at Law, sued forth a *Replevin*, and upon pretence of viewing the said goods, caused them to be brought forth of a Cellar, hired by a deputie to the Farmours to that use; and being brought forth, they were taken by the Sheriffes of London, by vertue of the said *Replevin*; and upon oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the President, inrolls his case; the said Sir *Humphrey Davenport*, with the said other Barons, adjudged, that the said goods were not Repleviable, and granted an Injunction to maintaine possession of them as they were before. And the said house of Commons by protestations, saving to themselves onely the liberties of exhibiting at any time hereafter, any other accusation or impeachment

impeachment against the said Sir *Humphrey Davenport*, and also of replying to the answer that hee the said Sir *Humphrey Davenport* shall make unto the said Articles, or any of them, or of offering proofe of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the Case shall (according to the course of Parliaments) require, doe pray that the said Sir *Humphrey Davenport*, Lord chiefe Baron of his Majesties Court of Exchequer, may be put to answer to all and every the premisses; and that such proceedings, examinations, trials, and judgements may be upon every of them had and used, as is agreeable to Law and Justice.

*Articles of the House of Commons in the name of themselves, and all the Commons of England, against Sir* Richard Weston *Knight, one of the Barons of his Majesties Court of Exchequer, impeaching him as followeth.*

1 THat the said Sir *Richard Weston* about the moneth of November, *Anno Domini* 1635. then being one of the Barons of his Majesties Court of Exchequer, and having taken an oath for the due Administration of Justice to his Majesties liege people, according to the Lawes and Statutes of this Realme, subscribed his name to an opinion *in hac verba*: I am of opinion, &c. *ut supra* in Sir *Robert Berkley's Charge, pag.* 4.

2 That in or about the moneth of February, *Anno Domini* 1636. the said Sir *Richard Weston* (being then one of the Barons of the said Court of Exchequer) subscribed an extrajudiciall opinion in answer to questions in a Letter from his Majestie *in hac verba*:

*Charles R.* When the good and safety of the Kingdome in generall is concerned, &c. *ut supra pag.* 4.

3 That the said Sir *Richard Weston* (being then one of the Barons of his Majesties Court of Exchequer) did deliver his opinion and judgement in the Exchequer Chamber against *John Hampden* Esquire in the Case of Ship-money, That he, the said *John Hampden*, &c. as in Judge *Crawley's Charge, pag.* 23.

4 That whereas in the moneth of Aprill 16. *Caroli*, the Officers of the Custome-house having seized a ship of one *Samuel Warner's* laden with Tobacco, being the goods of the said *Warner*, the bulke of the said ship not being broken, and no information exhibited for the King, according

to

to the course of the Exchequer for any duty; the Barons were moved, that the said ship might be restored to the proprietors, giving security to pay such duties as did belong to the King. But upon the allegation of the Kings Attorney, that there needed no information, because there was no penalty, the said Sir *Richard Weston*, (being then one of the Barons of his Majesties Court of Exchequer, together with the rest of the then Barons of the said Court,) did (contrary to his oath, and contrary to the Lawes of this Realme) deny the restitution of the said ship, unlesse all the duties demanded by the Farmers of the Custome-house were first paid. Hereupon the said *Warner* brought an action of Trover upon the case in the Office of Pleas in the Exchequer against the said Officers that seized his ship and goods: Whereupon the Kings Attorney Generall exhibited an Information by English Bill in the Exchequer Chamber against the said *Warner*, setting forth, that Customes and Subsidies upon Merchandize were a great part of the Kings revenue, and payable to him, and that the said ship was seized for non-payment of the aforesaid duties: notwithstanding the said *Warner* the proprietor prosecuted the Officers upon a suit at Law, and prayes that he may answer the said Information before any further proceedings be had at Law. Thereupon the said Sir *Richard Weston*, together with the rest of the then Barons of the said Court of Exchequer, ordered that the proprietor moving for delivery of his said goods, should first answer to the Information, after which the said *Warner* demurred to the said Information, in regard no title for any certaine duty was set forth by the Information: Which demurrer yet remaines not over-ruled, but the said Sir *Richard Weston* (with the said other Barons) without over-ruling the demurrer, ordered (because *Warner* had put in a demurrer, and not answered to the said Information) that he should not proceed upon the action of Trover. The proprietor being thus prevented of his remedy by Action at Law,

sued

*Articles of the House of Commons in the name of themselves, and all the Commons of England, against Sir Richard Weston Knight, one of the Barons of his Majesties Court of Exchequer, impeaching him as followeth:*

1 THat the said Sir *Richard Weston* about the moneth of November, *Anno Domini* 1635. then being one of the Barons of his Majesties Court of Exchequer, and having taken an oath for the due Administration of Justice to his Majesties liege people, according to the Lawes and Statutes of this Realme, subscribed his name to an opinion *in hac verba*: I am of opinion, &c. *ut suprà* in Sir *Robert Berkley's Charge, pag.* 4.

2 That in or about the moneth of February, *Anno Domini* 1636. the said Sir *Richard Weston* (being then one of the Barons of the said Court of Exchequer) subscribed an extrajudiciall opinion in answer to questions in a Letter from his Majestie *in hac verba:*

*Charles R.* When the good and safety of the Kingdome in generall is concerned, &c. *ut suprà pag.* 4.

3 That the said Sir *Richard Weston* (being then one of the Barons of his Majesties Court of Exchequer) did deliver his opinion and judgement in the Exchequer Chamber against *John Hampden* Esquire in the Case of Ship-money, That he, the said *John Hampden*, &c. as in Judge *Crawley's Charge, pag.* 23.

4 That whereas in the moneth of Aprill 16. *Caroli*, the Officers of the Custome-house having seized a ship of one *Samuel Warner's* laden with Tobacco, being the goods of the said *Warner*, the bulke of the said ship not being broken, and no information exhibited for the King, according

to

to the course of the Exchequer for any duty; the Barons were moved, that the said ship might be restored to the proprietors, giving security to pay such duties as did belong to the King: But upon the allegation of the Kings Attorney, that there needed no information, because there was no penalty, the said Sir *Richard Weston* (being then one of the Barons of his Majesties Court of Exchequer, together with the rest of the then Barons of the said Court) did (contrary to his oath, and contrary to the Lawes of this Realme) deny the restitution of the said ship, unlesse all the duties demanded by the Farmers of the Custome-house were first paid. Hereupon the said *Warner* brought an action of Trover upon the case in the Office of Pleas in the Exchequer against the said Officers that seized his ship and goods: Whereupon the Kings Attorney General exhibited an Information by English Bill in the Exchequer Chamber against the said *Warner*, setting forth, that Customes and Subsidies upon Merchandize were a great part of the Kings revenue, and payable to him, and that the said ship was seized for non-payment of the aforesaid duties: notwithstanding the said *Warner* the proprietor prosecuted the Officers upon a suit at Law, and prayes that he may answer the said Information before any further proceedings be had at Law. Thereupon the said Sir *Richard Weston*, together with the rest of the then Barons of the said Court of Exchequer, ordered that the proprietor moving for delivery of his said goods, should first answer to the Information, after which the said *Warner* demurred to the said Information, in regard no title for any certaine duty was set forth by the Information: Which demurrer yet remaines not over-ruled, but the said Sir *Richard Weston* (with the said other Barons) without over-ruling the demurrer, ordered (because *Warner* had put in a demurrer, and not answered to the said Information) that he should not proceed upon the action of Trover. The proprietor being thus prevented of his remedy by Action at Law, sued

fued forth a Replevin, and (upon pretence of viewing the said goods) caused them to be brought forth of a cellar, hired by a Deputy to the Farmers to that use, and being brought forth, they were taken by the Sheriffs of London, by vertue of the said Replevin, and upon oath made of the manner of the taking, as aforesaid, before the Barons, and upon view of the president, inrolls his case, the said Sir *Richard Weston*, with the said other Barons, adjudged that the said goods were not repleviable, and granted an Injunction to maintaine the possession of them, as they were before.

And the said house of Commons by Protestation, saving to themselves onely the liberties of exhibiting at any time hereafter any other accusation or impeachment against the said Sir *Richard Weston*, and also of replying to the answer that he, the said Sir *Richard Weston* shall make unto the said Articles, or any of them, or of offering proofe of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the case shall (according to the course of Parliaments) require, do pray, that he said Sir *Richard Weston*, one of the Barons of his Majesties Court of Exchequer, may be put to answer, &c.

*Articles*

*Articles of the Houſe of Commons in the name of themſelves, and of all the Commons of England, againſt Sir* Thomas Trevor *Knight, one of the Barons of his Majeſties Court of Exchequer, impeaching him as followeth.*

1. THat in or about November, 4. *Car.* divers goods and merchandizes (whereof *John Rolls*, *George Moore*, and other Merchants of London were Proprietors) being ſeized and conveyed into certaine Store-houſes at the Cuſtome-houſe, by Sir *John Worſtenham*, *Abraham Dawes*, and others the Farmours and Officers of the Cuſtomes, and by them there detained, becauſe the ſaid Proprietors refuſed to pay the Subſidie of *Tonnage* and *Poundage*, pretended to be due, and demanded by the ſaid Farmours and Officers on his Majeſties behalfe for the ſaid Merchandizes, whereas no ſuch Subſidie or duty of *Tonnage* or *Poundage* was due or payable for the ſame, no Subſidie of *Tonnage* and *Poundage* having beene granted by Parliament to his Majeſtie. The ſaid *John Rolls*, and other the Proprietors of the ſaid goods, having by reaſon of ſuch unlawfull ſeiſure and detainer, as aforeſaid, ſued forth one or more writ or writs of *Replevin*, directed to the Sheriffes of London, being the proper remedie provided by the Law to regaine the poſſeſsion of goods taken and with-held from the owners contrary to Law) the ſaid Sir *Thomas Trevor* Knight, then and yet one of the Barons of his Majeſties ſaid Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, upon information to them given, that the ſaid Proprietors, or ſome of them, had ſued forth and did

 proſecute

profecute ſuch writ, or writs of *Replevin* for deliverie of the ſaid goods, did order an Injunction under Seale of the ſaid Court to iſſue forth, directed to the Sheriffes of London, commanding them thereby not to execute the ſaid writ or writs of *Replevin*, or any like writ thereafter to be ſued forth by any perſon or perſons for the delivery of any goods in the like nature detained: And did declare and order publickly in the ſaid Court of Exchequer, that the ſaid goods by Law were not Repleviſable, alledging for cauſe that the ſaid goods were in the Kings owne poſſeſsion, whereas the ſame did not judicially appeare to them, and they did well know that the ſaid goods were at that time in the poſſeſſion of the Farmours and Leſſees of the ſaid Cuſtomes, and no lawfull cauſe to them appearing or ſuggeſted of the taking and detaining of the ſaid goods: which Injunction and declaration ſo granted and made, were and are againſt the Lawes of the Realme, and in ſubverſion of the common right, and remedy of the Subject for regaining the poſſeſſion of his goods being taken and with-holden from him without lawfull cauſe.

That the Sheriffes of London for that time being ſerved with the ſaid Injunction, did forbeare to execute the ſaid writ or writs of *Replevin*: By meanes whereof the ſaid goods continued ſo detained as aforeſaid, contrary to Law, from the ſaid moneth of November untill the moneth of June next following.

That the ſaid Sir *Thomas Trevor* and other the Barons aforeſaid, knowing the ſaid goods to be unlawfully ſeized and detained for the pretended duties and Subſidie of *Tonnage* and *Poundage*, whereas no ſuch were payable by Law, did from time to time delay the reſpective Proprietors from having reſtitution of their ſaid goods, being often in Court moved therein, with intention thereby to force the ſaid Proprietors (by wanting their goods and the uſe thereof) to pay all ſuch ſummes as the ſaid Officers of the Cuſtomes pretended to be due to his Majeſtie.

That

That to the end aforeſaid the ſaid Sir *Thomas Trevor*, and the ſaid other Barons refuſed to accept of any ſecuritie to be given by the ſaid Proprietors, upon reſtitution had of their goods, for payment of all ſuch duties as ſhould bee made appeare to be payable to his Majeſtie in ſuch manner as the ſaid Barons ſhould direct. That the ſaid Sir *Thomas Trevor* and other the Barons aforeſaid, knowing that the ſaid ſummes demanded on his Majeſties behalfe by the ſaid Officers of the Cuſtomes not to be due by Law, did refuſe to order reſtitution of any part of thoſe goods, (ſo detained as aforeſaid) to the Proprietors thereof, unleſſe the ſaid Proprietors would depoſite all ſuch ſummes of money as the ſaid Officers reſpectively demanded of them for pretended duties to his Majeſtie; and the ſaid Proprietors refuſing to depoſite the ſaid ſummes demanded, the ſaid Sir *Thomas Trevor*, and other the Barons aforeſaid, did order the ſaid Officers to detaine double the value of the ſummes by them demanded for pretended duties to his Majeſtie, and to reſtore the reſidue: The ſaid Sir *Thomas Trevor*, and other the ſaid Barons then knowing that the pretended ſummes demanded by the ſaid Officers, were not by Law due or payable to his Majeſtie.

2 That in or about January 4. *Car.* the ſaid Officers having ſeized ſeverall Merchandize of the goods of *Richard Chambers* Merchant, upon the pretences aforeſaid, did detaine the ſame; and the ſaid *Chambers* proſecuting by plaint to have his ſaid goods replevied, the ſaid Sir *Thomas Trevor*, together with the ſaid other Barons, did in like manner in the ſaid Court of Exchequer, declare the ſaid *Chambers* goods not to be Repleviſable, and enjoyned the Sheriffes of London to proceed no further therein, no cauſe to them appearing of ſuch ſeiſure or detainer. And the ſaid Sir *Thomas Trevor*, and other the Barons of the ſaid Court, refuſed to order the delivery of the ſaid *Chamber's* goods, upon good ſecurity offered by him to pay all ſuch ſummes as ſhould be made appeare to

be due, and for which the ſaid goods were pretended to be detained and the ſaid Barons being often moved in Court therein, did refuſe to order reſtitution of any part of the ſaid *Chambers* goods, untill the three and twentieth of November, 5. *Caroli*, and then ordered that the ſaid Officers ſhould detaine in their hands double the value of the ſummes by them demanded, and reſtitution of the reſidue to be made to the ſaid *Chambers*, no cauſe of detaining any part of the ſaid goods to them in any wiſe appearing.

3 That whereas in the moneth of October, in the fourth yeare of his ſaid Majeſties reigne, the Farmers and Officers of the Cuſtome-houſe having ſeized great quantities of Currants, being the goods of *Samuel Vaſſall* Merchant, and having conveyed them into certaine Store-houſes at the Cuſtome houſe and detained them, becauſe the ſaid *Samuel Vaſſall* refuſed to pay an impoſition of five ſhillings ſixpence upon every hundred weight of the ſaid Currants, pretended to be due, and demanded by the ſaid Farmours and Officers on his Majeſties behalfe for the ſaid Currants, whereas no ſuch impoſition was due or paiable for the ſame, but the ſaid impoſition was and is againſt the Lawes of this Realme. And whereas alſo in Michaelmas Terme, in the ſaid fourth yeare of his Majeſties Raigne, his Majeſties then Attorney generall exhibited an information by Engliſh Bill in the Exchequer Chamber againſt the ſaid *Samuel Vaſſal* ſetting forth that K. *James*, by his Letters Patents dated 3. *Novem.* in the ſecond yeare of his Raigne, did command that the ſaid impoſition of 5. s. 6. d. upon every hundred weight of Currants ſhould be demanded and received: And that his Majeſtie that now is, by his Letters Patents dated the ſix and twentieth day of July, in the ſecond yeare of his Raigne, did, by adviſe of his Privie Councell, declare his will and pleaſure to be, that Subſidies, Cuſtomes and Impoſts ſhould be levied in ſuch manner as they were levied in the time of King *James*; and the ſame, and

and the Farmers thereof to continue untill it might receive a ſetling by Parliament, and commanded the levying and receiving the ſame accordingly; and that the ſaid *Samuel Vaſſall* before the firſt day of October then laſt paſt before the ſaid Information exhibited, did bring into the port of London in ſhips foure thouſand ſix hundred thirty eight hundred weight of Currants, and that *Richard Carmarthen* Surveyour in the ſaid port of London, the ſaid firſt day of October demanded of the ſaid *Samuel Vaſſall* the ſaid impoſition of five ſhillings ſix pence for every hundred weight of the ſaid Currants, and that the ſaid *Samuel Vaſſall* refuſed to pay the ſaid impoſition, and unjuſtly detained it from the King: To which Information the ſaid *Samuell Vaſſall* appeared, and pleaded the Statute of *Magna Charta*, and the Statute of *De Tallagio non concedendo*, and that he was a Subject borne under the Kings Allegeance, and a Merchant of *London* uſing that trade, and that the ſaid ſumme of five ſhillings ſix pence upon every hundred weight of Currants, was and is *malum talnetum*, and not *antiqua ſeu recta conſuetudo*, and that it was impoſed without aſſent of Parliament: to which Plea the ſaid Atturney Generall demurred in Law, and the ſaid *Samuel Vaſſall* joyned in demurrer with him.

That the ſaid Sir *Thomas Trevor*, being then and yet one of the Barons of his Majeſties Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, knowing the ſaid Currants to be unlawfully ſeized and detained for the pretended duty of five ſhillings ſix pence impoſition upon every hundred weight of the ſaid Currants (whereas no ſuch impoſition was payable by Law) did from time to time delay the ſaid *Samuel Vaſſall* from having reſtitution of his ſaid goods, being often in Court moved therein, with intention thereby to force the ſaid *Samuel Vaſſall* (by wanting the ſaid goods, and the uſe thereof) to pay all ſuch ſummes as the ſaid Officers of the

ſeverall other writs of *Diſtringas*, to iſſue forth of his Majeſties ſaid Court of Exchequer, under the Seale of the ſaid Court, directed to the ſeverall high Sheriffes of the ſaid Countie of Yorke, whereby the ſaid Sheriffes were commanded further to diſtraine the ſaid *James Maleverer* to appeare, as aforeſaid: upon which ſaid writs of *Diſtringas*, ſeverall great and exceſſive iſſues were returned upon the lands of the ſaid *James Maleverer*, amounting to the ſumme of two thouſand pounds or there abouts, a great part whereof, the ſaid *James Maleverer* was inforced to pay; and in like manner the ſaid Sir *Thomas Trevor* (together with the reſt of the then Barons of the ſaid Court of Exchequer) did order and direct ſuch and the like proceedings, and the ſaid proceedings were had and made accordingly againſt *Thomas Moyſer* Eſquire, and againſt ſeverall other perſons his Majeſties ſubjects in ſeverall parts of this Kingdome, to the utter undoing of many of them.

5 That he the ſaid Sir *Thomas Trevor*, about the moneth of November, *Anno Domini* 1635. then being one of the Barons of his Majeſties Court of Exchequer, and having taken an oath for the due adminiſtration of Juſtice to his Majeſties liege people, according to the Lawes and Statutes of this Realme, ſubſcribed his name to an opinion, *in hæc verba*: [I am of opinion, &c. *ut ſuprà in Baron Davenports Charge, pag.* 30.

6 That in or about the moneth of February *Anno Dom.* 1636. (then being one of the Barons of the ſaid Court of Exchequer) he ſubſcribed an extrajudicial opinion in anſwer to queſtions in a letter from his Majeſty, *in hæc verba*:

"*Charles R.* When the good and ſafety of the king-"dome in generall is concerned, &c. *ut ſuprà, loco citato*, and ſubſcribed *ut prius*.

7 That the ſaid Sir *Thomas Trevor* (being then one of the Barons of his Majeſties Court of Exchequer) did deliver his opinion, and judgement in the Exchequer chamber, againſt

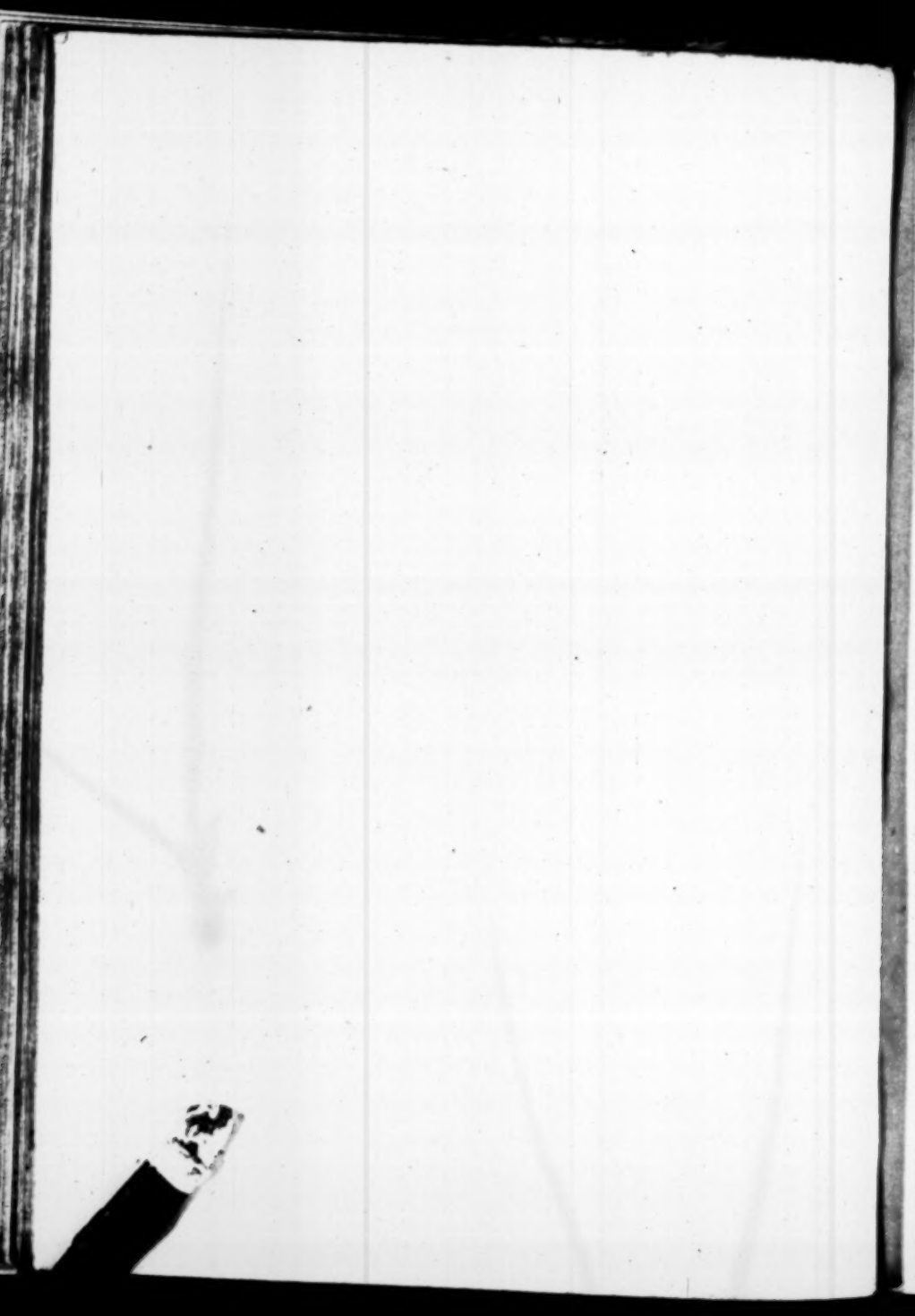
againſt *John Hampden* Eſquire, in the Caſe of Ship-money; That he the ſaid *John Hampden* upon the matter and ſubſtance of the Caſe, was chargeable with the money then in queſtion: a copie of which proceedings and judgement the Commons in this preſent Parliament have already delivered to your Lordſhips.

8 That whereas in the moneth of April 16. *Car.* the Officers of the Cuſtome-houſe having ſeized a Ship of one *Samuel Warner's* laden with Tobacco, being the goods of the ſaid *Warner*, the Bulke of the ſaid Ship not being broken, and no information exhibited for the King, according to the courſe of the Exchequer, for any duty, the Barons were moved that the ſaid Ship might be reſtored to the Proprietor, giving ſecurity to pay ſuch duties as did belong to the King; But upon the allegation of the Kings Attorney that there needed no information, becauſe there was no penaltie, the ſaid Sir *Thomas Trevor*, (being then one of the Barons of his Majeſties ſaid Court of Exchequer, together with the reſt of the then Barons of the ſaid Court,) did (contrary to his oath, and contrary to the Laws of this Realme,) deny the reſtitution of the ſaid Ship, unleſſe all the duties demanded by the Farmours of the Cuſtome-houſe were firſt paid. Hereupon the ſaid *Warner* brought an action of *Trover* in the office of Pleas in the Exchequer againſt the ſaid Officers that ſeized his Ship and goods: whereupon the Kings Attorney generall exhibited an information by Engliſh Bill in the Exchequer chamber againſt the ſaid *Warner*; ſetting forth, that Cuſtomes and Subſidies upon Merchandize were a great part of the Kings revenue, and payable to him; and that the ſaid Ship was ſeized for non-payment of the aforeſaid duties, notwithſtanding the ſaid *Warner* then Proprietor, proſecuted the Officers upon a ſuit at Law, and prayes that hee may anſwer the ſaid Information before any further proceedings be had at Law: Thereupon the ſaid Sir *Thomas Trevor*, (together with the reſt of the then Barons of the ſaid

Court of Exchequer,) ordered, that the Proprietor moving for delivery of the ſaid goods, ſhould firſt anſwer to the ſaid Information; after which the ſaid *Warner* demurred to the ſaid Information, in regard no title for any certaine dutie was ſet forth by the Information, which demurrer yet remains not over-ruled; but the ſaid Sir *Thomas Trevor*, with the ſaid other Barons, (without over-ruling the demurrer) ordered, (becauſe *Warner* had put in a demurrer and not anſwered to the ſaid Information, that hee ſhould not proceede upon the action of *Trevor*. The Proprietor being thus prevented of his remedie by action at Law, ſued forth a *Replevin*, and (upon pretence of viewing the ſaid goods,) cauſed them to be brought forth of a Cellar, hired by a deputie of the Farmours to that uſe; and being brought forth, they were taken by the Sheriffe of London, by vertue of the ſaid *Replevin*; and upon oath made of the manner of the taking, as aforeſaid, before the Barons, and upon view of the Preſident, inrolls his caſe; the ſaid Sir *Thomas Trevor*, with the ſaid other Barons, adjudged, that the ſaid goods were not Repleviſable, and granted an Injunction to maintain the poſſeſſion of them as they were before.

And the ſaid houſe of Commons by proteſtation, ſaving to themſelves only the liberties of exhibiting at any time hereafter any other accuſation or impeachment againſt the ſaid Sir *Thomas Trevor*, and alſo of replying to the anſwer that he the ſaid Sir *Thomas Trevor* ſhall make unto the ſaid Articles, or any of them, or of offering proof of the premiſſes, or any of their impeachments or accuſations that ſhall be exhibited by them, as the Caſe ſhall (according to the courſe of Parliaments) require, doe pray that the ſaid Sir *Thomas Trevor*, one of the Barons of his Majeſties Court of Exchequer, may be put to anſwer to all and every the premiſſes; and that ſuch proceedings, examinations, trialls, and judgements may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

*FINIS.*



6

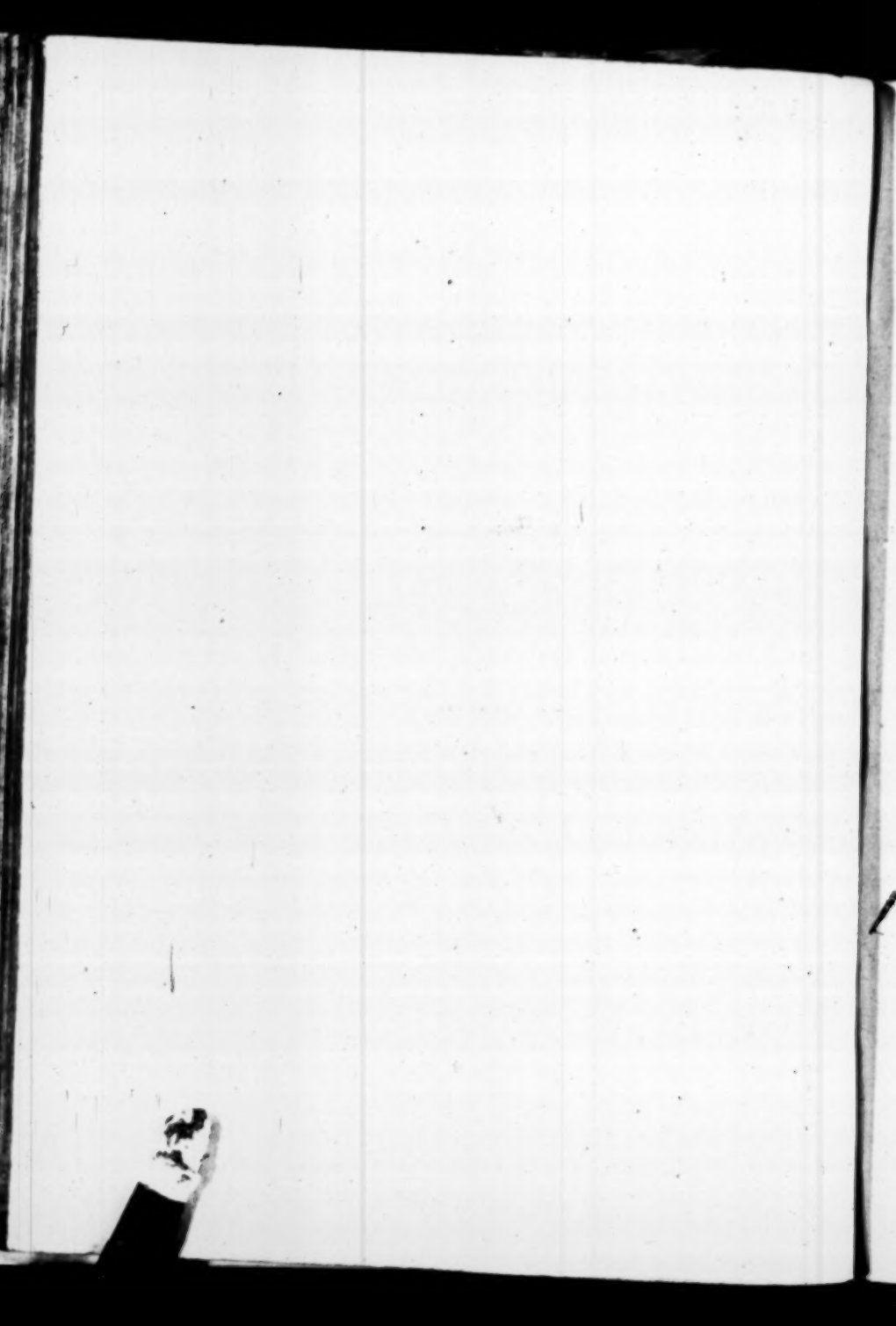
# A Letter from Rhoan in France

Written by Doctor *Roane* one of the *Doctors of the late ſicke Commons, to his Fellow Doctor of the Civill Law.*

*Dated 23. of Iune laſt paſt.*

*With an Ellegy written by his owne hand upon the death and buriall of the ſaid Doctors Commons.*

Printed in this happy yeare, 1641.



*A Letter from* Roan *in France, written by Doctor* Roan *Dr. of the Civill Law, to one of his fellow Doctors. Dated* June 28, *Anno Dom.* 1641.

*SIR.*

I Hope you are alike sensible with me of the danger of these difficult times: it is true, I am held but as a Fugitive, as one fled into *France*, and it was but time (And I am glad I took occasion by the fore-lock,) otherwise I knew our owne Ecclesiasticall Canons would have bin charged and bent against mee, and what I pray you have you got by your tarrying at home, when their terrible thunder shall strike you sooner and neerer and at home, then me being abroad and far off? Therein the detriment of your delay, and the benefit of my active dispatch, you being now present to abide all their pervers sentences: and I priviledged from all their peremptorie censures.

But I pray Master Doctor, but let us recall to our selves *ab Origine* from the beginning of our first acquaintance, when you and I were first Students in Trinitie Hall in *Cambridge*: tis true, that when wee were first there fellow commoners, our ambitions were to be after Doctors of the *Commons*, and though I then trivanted my time, and was none of the best proficients, yet what by the freenesse of my purse, and favour of friends, I tooke my Degree when the time of commencement came, and so shuffled in amongst the rest of my fellow students, that it was put upon me, *without question*, and then that one old English meeter came into my minde.

*A Master of Art is not worth a fart,*
*Vnlesse he be in the Schooles:*
*A Batcheler of Law is not worth a straw*
*Vnlesse he be amongst fooles.*

AND then I knew withall how to cheat the Latin proverb which sayth, *Cucullus non facit Monachum*: presuming that the head, and that onely made the Doctor: Sir I would not have been so plain to any but your selfe, whom I knowe to be a fellow practitioner in all my former proceedings, and come a like sufferer in these our present Calamities, which makes mee unto you so freely to confesse my selfe; and not without a sorrowfull sigh to say,

*Qui non ante Cavet, Iſte,*
*Paſſus erit quod ſit triſte.*
Since he is not well to ſpeed,
Who before hand takes not heed.

YOu know Doctor (and no man better) that being Cuculated and admitted into the Commons, we muſt carry our ſelves like ſouldiers doubling our files to the right hand & to the left, & ſuch is our caſe in dealing with our clyents, for receiving of our fees, it is not fitting that the left hand ſhould know what the right hand doth, and notwithſtanding I know my inſufficiency in the imperiall or civill Lawe, as onely verſt in the ordinary Tenents and common places; for I ever loved too much my pleaſure to take too much paynes at my ſtudy, yet I ſo skrued my ſelfe into Cauſes and tooke the occaſion of all advantages, gathering up crumbs, I cared not from under whoſe Table, that in proceſſe of time I picked up a thouſand pounds in my purſe, which not willing it ſhould lye idle and ruſt in a corner, I was apt to put it out to *Opus* and *Vſus*: But (child as I was) delivering it into the hands of *Child* the Scrivener, I was cheated of it all at a clap, never was *Roan* ſerved ſuch an horſe trick; notwithſtanding which, I bore it out bravely, and though both purſe and pockets were prettily emptied, yet I bated nothing in my countenance, and *Dominie* Doctor was then the onely thing I had to truſt to, which ſupported mee in my credit aſſiſted with my ſmall practiſe, and loud clamour in the Courts.

For how could wee live at that full rate, to feed high and drinke deep, to carry all our deportments in that gentile garbe, by ordinary fees; and common gratuities? no; where skill is ſcanred we muſt uſe ſlight and ſubtilty, and when learning is lacking wee muſt fly to *Legerdemane*; nay ſometimes fee as we would be feed, and bribe as our deſire is to be bribed, this is *lex Talionis* the Law of Tallying, *manus manum fricat*, claw mee, claw thee, nay indeed, the true lawe of charity, to doe to others as we would have done to our ſelves and therefore how oft have I come off, with ſilke ſtockings to divers of my Lord Arch-biſhop's chiefe ſervants with ſuits of Sattin, pluſh cloaks, beavers and the like, and ſometimes preſented their Chaplains with Canonicall Caſſacks

and

and Leviticall girdles; not paſſing the gate, without a memorandum to the porter, now if any ſhall ſay what was the event or ſucceſſe of theſe? to them I anſwer, then had I countenance in the high Commiſſion Court (a poxe take it, and would I had never knowne it,) and his mighty Metropolitan-ſhip, would either take notice of me, by affording mee a gracious nod, or ſweetning mee with a ſmile, or perhaps ſaying, how doth my good Doctor and this get me credit amonſt my Clyents, Intelligence from the Sumnors, and paritors, practiſe by the meanes of the Courtiers and a current Correſpondence with the chiefe Doctors of the Commons, ſo that I was not only favoured by Surrogates, but friended by the Judges of the Courts themſelves.

Moreover I was *Martins* Minion, *Lambs* beſt beloved, and *Ducks* delight, and in which of their Courts ſoever I pleaded, or was of Counſell, I carried the cauſe, though it were falſe and corrupt, as the Lattin I uttered or mine owne Conſcience, and then I thought Doctor *Roane* to bee as good a man within his Prerogative Courts of Freedome: as Dr. *de-Roan* in his great principality of *France*, for the regiſters of courts, were as my retainers or rather receivers, by agitating of whom I paſſed all mine Acts whether in falſe or true Lattin ſubſtance or nonſence, all was one between them and mee, as things were carried amongſt us, witneſſe the firſt Act for proceſſe and others, as the Acts *ad Procedendum, ad Continuendum, ad melius Inquirendum, ad ſententiam, ad Detractandum, ad Concludendum, ad finitum*, and I am affraid if I had ſtayed by it, and not took my heeles in time, I had been ſerved by this with a writ of *Diem clauſit Extremum*; and theſe Courſes I have bin forc'd to run, otherwiſe by this I had been forc'd *to have beg'd or ſold Ballets in the ſtreets, but I praiſe my Star, I have paſt over all theſe difficulties, but moſt for eſcaping of that moſt dangerous Writ* ne exeat regnum.

*But in the way of news thus briefly: The Proteſtants and Papiſts, are together by the eares in* France, *and they are all of them as ſicke of the magni potent Cardinall, as you of your metropolitan* Canterbury.

*And now let me recollect you of a paſſage, which as it is in my Regiſter ſo I make no queſtion is fell in your remembrance, how* I *fetcht of one of our proud peremptory Proctors who took*

*as high and big as* Guy *of* Warwicke, *when hee had killed the dunne Cowe of* Dunmowe, *or came newly from the slaughter of* Colubrand *the mighty and huge* Danish *Gyant, whose braines he beate out with his pilgrim or palmers staff: this couragious cup Conquerour, walking late in the evening meeting with a Citizen and his wife in* Fleetstreet, *tooke her away perforce, and like a Fauconist, in the heate of his zeale, hurried her away to his chamber, and made that use of this pretty matron, that you and I have done of many; but mum: no more words of that, for the proverb tells us, it is an ill bird that will beray her owne nest. And wee of the* Commons *made conscience to hould all such Commodities in common: but now I repent mee of passing those bandy acts, but silence for that, and stet too: but to returne where I left.*

This cunning and crafty (I will not say Cuckold) Citizen after complaint made brought him within the compasse of our spirituall Courts, and prosecuted the cause against him by one of his fellow proctors, but the cunning delinquent seeing mee to bee one of his Counsaile, I undertooke his defence, by pretending, hee tooke him for a knave, and her for a prostitute, and having but one witnesse, the plaintiffe was condemned in Court, and I brought the businesse to an easie composition, a good and bountifull supper ended it, where I fed prodigall like a lusty *Rean*-horse, with a full manger of provender before him.

I have intelligence here in *France*, that some pen or other having had commiseration of the fall of our Commons, have not only sorrowed with us in that sicknesse, but tooke the paines to make its last will and Testament; and what legacies the Court hath left behind it, I knowe not whether the will be yet prov'd or no, nor who be the heires and executors; but of this I am certaine, that after death there must be a buriall; and (if it come not too late, for which I should be sorry) I would intreat you to let this funerall Elegie, to be hangd upon the herse, which I would intreate you to beare this title following.

A Funerall Elegie made by Dr. *Roan* now a fugitive in *France*, upon the fall or death of *Doctors Commons*.

*MOurne Court of* Honour, *thou in the first place,*
*The* Doctors *Commons, is a common case.*
*For now your* Heralds *shall no more behold*
*Titles, and Armes of Gentry bought and sold:*
*For when old* Adam *digd, and his wife span,*
*Which was the Lady? who the Gentleman?*
*And thou great* Chamber, *but so lately grac't,*
*With Luminous stars, in thy bright Zodiack plac't;*
*Who, as they in their severall Orbs did shine,*
*From each ones Lustre did proceed a fine.*
*Since thy whole firmament, at once is shooke,*
*As if in some great Tempest Thunder-strooke.*
*Summon thy servants on this herse to waite,*
*From those that bought their places at high rate?*
*To every Clarke, Examiner, even hee,*
*That in cut-fingerd gloves can take a fee,*
*And cheate the Client, (for all profit's sweet)*
*With thirteen straddling lines in every sheet.*
*Mourne likewise you, late of the high Commission,*
*Since your great Court is sentenc'd to perdition:*
*And he the chiefe in that Prelattick power,*
*Is leapt at once from* Lambeth *to the* Tower.
*You of th' Episcopacy (I meane those tainted,)*
*Who might have been canonized and Sainted,*
*Had you faire courses run, leave drinking sack,*
*And dye your white sleeves into mourning black.*
*Nor do you bring to hang upon this herse,*
*Sad Epitaphs, either in prose or verse.*
*I rather wish that these his funerall cloaths,*
*May be decor'd with* Ex Officio *oaths,*
*New Canons, and th' unlimited* Et cætera,
*To which, let other Courts bring in their* Vetera,
*And* Nova Testamenta: *Th' Office of wills*
*Will better furnish you then Chancery bills,*
*(though pittifully comprising) Let all men*
*This know, here is no work for Poets pen:*
*Unlesse that* Davenant *were put in minde,*
*And sent too to the place where hee's confinde;*

*To*

*To undertake that charge, as the most fit,*
*Both for his present case, and pregnant wit.*
*In which; how swan-like had our* Suckling *sung,*
*Were he not now in* France *to learne the tongue?*
*And thou, that lately in thy place didst brag,*
*Thou famous Pursivant, brave* Bonny-Rag,
*Since now thy businesse will no better fadge,*
*I wish thee, sell thy guarded Coate and Badge,*
*To buy a black cloake, and to grace the throng.*
*Thy fellow* Maze *bring with thee along?*
*Mourne also you of th' Arches, for you know,*
*Your Courts shall now no more be kept in* Bowe.
*You of the* Delegates, *by which wee have fed,*
*Most delicately, that now may seeke our bread.*
*Let not the Court of* Audience *her griefe smother:*
*Where we would heare our selves speake and no other.*
*And thou* Prerogative *Court hast lost thy Glory,*
*Wee shall no more gaine by the Consistory:*
*Mourne* Baudy *Court, or Court of* Defamations;
*Bring to this herse your Excommunications,*
*And processes with Scales, mourne all you Doctors,*
*Advocates, Surrogates, Farritors and Proctors;*
*Since all these Courts the Parliament doth damb,*
*Mourne and lament you all with* Duck *and* Lamb;
*For your abuses the whole State abhors,*
*And you your selves have no Compurgators.*
*Beare part in this our griefe, you Custome Farmers,*
*Who have been others long, now your owne harmers.*
*As being forc'd of late back to restore,*
*What from the King you had deteynd before,*
*Tunnage and poundage: be yee now Petitioners,*
*That* Farmers, *be not changd into* Commissioners.
*Mourne ye too, that pretended to be reelers*
*Of the abus'd State, all you* Projectors
*And* Patentees; *help this our herse to deck,*
*With* Kilvert, *and* Abell *about his neck:*
*And that much I, for* Doctors Commons *Crave,*
*That he may goe with decence to his grave.*
*Doctor* Roan *one of that Society,*
*From* Roan *in* Normandy.

FINIS.

# AN HUMBLE MOTION

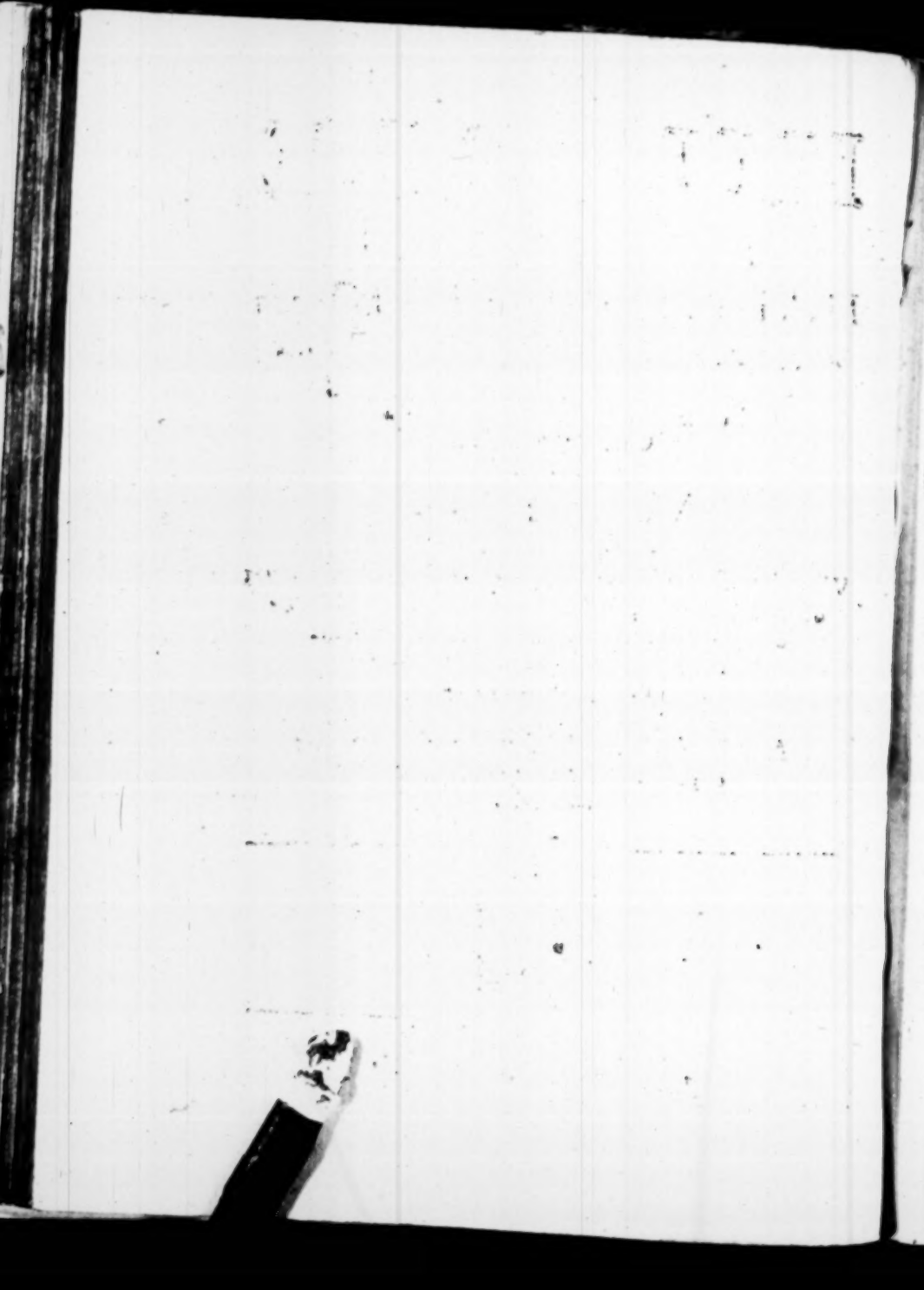
Made in the time of the reign of Queen *Elizabeth*, to the Honourable Lords of her Majesties privie Councell, for the reforming of Ecclesiasticall discipline and Church government after the

## Word of God.

Wherein is shewed how the livings, profits, and revenewes of the Archbishops, Lord Bishops, and Cathedrall Churches, may be best ordered and disposed of for the maintenance of an able Ministery throughout the Land.

And the doubts and difficulties which may be objected against that course are fully answered.

Printed 1590. reprinted 1641.



# An humble Motion to the Lords of the Councell.

HAving before by many reaſons demonſtrated the neceſſity of reforming the diſorders of the Church according to holy Scriptures, and having ſhowed out of the Scriptures what offices Chriſt hath ordained in his Church, and what Officers, namely, Paſtors, Elders, and Deacons; and that Archbiſhops, Lord Biſhops, Chancellors, Commiſſaries, Archdeacons, Officials, Deanes, Vicedeanes, Treaſurers of Cathedrall Churches, Prebends, Canons, petty Canons, Singing men, Quoriſters, Vergers, Curates, and Readers, are but ſo many diſorders in holy offices, none of which Chriſt gave unto his Church when hee aſcended up on high: nor are they any of Chriſts Church-government, but borrowed from Rome, and left as the ſmoking taile of Antichriſt. Epheſ. 4 8.

I am now (Right Honourable) by my humble motion to preſent further to your wiſedomes a way how proviſion may be made for an able Miniſtery throughout the Land, and ſupply of maintenance raiſed where there is want out of the lands and profits of the aforeſaid Biſhoprickes and Cathedrals, which I ſhall doe with all ſubmiſion, knowing that with far more deepneſſe of judgement, and ſoundneſſe of counſell, you are able to inlarge either where it wants, or cut off where it aboundeth.

Two things in this, I hope, I ſhall not need to ſtand upon, that is, firſt to ſhew that there are many meane livings for Miniſters, partly by Impropriations, and partly by the littleneſſe or ſituation of the Pariſhes, for this is in the knowledge of all men very clear, that there are divers livings that are not worth above 20. Marks yearly, ſome 20. pounds, which come nothing neare that competency that were fit for the man of God: who in this laſt age, not having gifts extraordinary, is driven to ſtu- Many meane livings for Miniſters.

dy much, and thereby his charges be increaſed, by buying of bookes, and order of diet, and ſomething for the decency of
2 Tim.3.2. that calling would be conſidered in the comelineſſe of apparell and houſhold, that it be not contemptible: and laſtly, it is required that he ſhould keepe hoſpitality; all which, by many degrees, cannot come ſo low as 20. markes, or 20. pounds, as if we looke upon the proportion of Gods proviſion under the Law, which the Holy Ghoſt teacheth to be our pattern, 1 Cor. 9.8,9,10, it may appeare: there ſhall we finde, that for the maintenance of the Miniſtery they had not onely the tenths and convenient dwelling places, but even all the firſt fruits, and of all offerings of divers ſorts, and they were bound to three feaſts every yeare, (beſides every new moone and Sabbath) wherein every male was to appeare before the Lord, but he might not come empty: yet in all theſe, and many moe charges, they proſpered, though it ſeemed never ſo chargeable, ſo long as they willingly ſerved God after his order. And for ſo much as our Land, by the bleſſing of God, may well bee accounted among the fertile and rich ſoiles of the world, I hope we are not ſo ungratefull, as to recompence God with a vile and baſe entertainment of his ſervants, underſtanding very well, that it is a ſmall matter that the Miniſter ſhould reap carnall things of them, upon whom they ſow ſpirituall things.

*Miniſters ought to have very good maintenance.*
Num.18.& 28
Deut.15 & 16 & 12.
Levit.23.
2 Cor.9.11.

The other thing, which I truſt I ſhall not need to ſtand upon, is this: that ſeeing there is need, and that very great, that the Miniſtery ſhould be better provided for, it were the duty of the Commonwealth to take care that thoſe things (which by their foundation were firſt meant and ordained for the ſervice of God, and have beene, and now are in the opinion of all men beſtowed to that uſe) in the time of reformation ſhould be kept for that very uſe, that the reforming of things be not thought rather a bait to feed our bellies, then to proceed of any godly zeale, or love of Religion; for who would not think it a plaine mockery of God, and a ſcorne of godlineſſe, that men going about to beautifie the Church, ſhould rob and ranſacke the ſame? and pretending to further the ſervice of God, ſhould give occaſion to prophane it? This were the moſt divelliſh policy in the world, and the onely engine almoſt to

*The Church livings are to be beſtowed on the Miniſters.*

over-

overthrow both Prince and People: For God ſaith, if men offer the blind and the lame unto a Prince, he would not be content, nor accept the perſon; and ſhall we thinke that God can put it up at our hands, if the things of his holineſſe ſhould bee lightly regarded, and that his ambaſſadors ſhould bee ſo ſpitefully ſhaven, and their coats cut off to the middle? No, no: he will not take it in good part: for in the zeale of his wrathfull indignation, he pronounceth ſuch men accurſed, with a curſe, becauſe they have ſpoiled him, and maketh the heaven over them to ſtay it ſelfe from dew, and the earth to ſtay her fruit, becauſe his houſe lyeth waſte. I hope rather we will hearken unto *Solomon* who ſaith, Honour the Lord with thy riches, and with the firſt fruits of all thine increaſe: ſo ſhall thy barnes be filled with abundance, and thy preſſes ſhall burſt with new wine. Be it far from us in ſo clear light of the Goſpel, we ſhould be ſlower in this duty, then our forefathers, who did they knew not what. The matter then I will ſtand upon, is the thing which may thus be imployed, what it is, and how it is to be ordered: The firſt point what it is, may partly bee underſtood by that which is already ſpoken: for I mean the Archbb. and L. Bb. livings, and all the Cathedrall churches, houſes and lands, and whatſoever profits adjoyned, excepting free ſchools & almes houſes, or ſuch like, which unto ſome of them belong: The nature of reformation, as may appear by that which is already declared, and the good of our land requireth, that theſe dignities or ſpiritual promotions which are not of Gods planting, ſhould be pulled up by the roots, and the men of thoſe places (ſuch as are fit for learning and reverend behaviour) applied and tied to ſome congregation, where they ſhould labour to feed ſouls: then would there be many a faire palace void of a maſter, and goodly houſes, churches, and lands void of owners. Here I take it to be the duty of the commonwealth to keepe theſe livings ſtill for the maintenance of the Miniſtery, ſeeing there is a very great need of them, and to change only the order and manner of applying: that whereas before they ſerved to uphold a lordly pomp, idlenes and bravery in ſome few: they might now by a wiſe and godly diſtribution, be communicated unto many, for the benefit of many Churches. The lands, houſes, and

Mal. 1 7. cap. 3 9.

2 Cor. 5. 10.

2 Sam. 10. 4.

Hag. 1. 9. 10.

Prov. 3 9.

What may ſerve to make ſufficient living for a learned miniſtery in England.

palaces may be ſold, and the money beſtowed to the redeeming of Impropriations, and increaſe of ſmall livings: and ſurely this is of all other moſt equall, that where the people doe pay their tenths under the name and propriety of the Churches uſe, they ſhould be ſo applyed indeed. And againe, ſeeing the corruption of our time hath made Impropriations as fee-ſimple lands, they which have reaſonable recompence for the value of them they poſſeſſe, ſhould by no meanes thinke themſelves injured. It is no reaſon, that ſeeing the people doe already ſtand burdened with ſuch a great charge, that they ſhould bee oppreſſed with a ſecond, eſpecially when there is a meanes to releeve them. And it is againſt all conſcience that the Miniſtery ſhould be left without juſt and comely proviſion & maintenance. But of all other, it were moſt unwiſe and ungodly, to foreſlow the occaſion, eſpecially when the Commonwealth was never ſo rich by yearly fruits and commodities. And it is yet more horrible wickedneſſe, that private men (although peradventure ſome of them have done ſervice) ſhould prevent the Church, and commit ſo great ſacriledge. For if they deſerve, there is ſufficient beſides to reward them. There is no good Chriſtian, or man, either of valour or fortitude, and wiſdome, or of eſtimation for religion and honeſty, or of any good name for juſtice and clemency, can be of ſo baſe and ſervile a minde, as to grope after the ſpoile and havocke of the Church, or to ſuffer himſelfe to be rewarded with thoſe goods which ſhould by all reaſon and conſcience be imployed to the ſervice and immediate honour of Almighty God. But I hope theſe ſpeeches ſhall not need, and that the example of *Nehemiah*, this honourable and zealous Prince, will be followed in this caſe, he having the feare of God before his eyes, being twelve yeares governour over the people that came from Babel, when his labour was to build the wall of Ieruſalem, and to ſet up the purity of religion; that hee might give good example to the Princes and Rulers, and that the people might no way be overcharged, that ſo the buſineſſe of the Lord might goe chearfully and proſperouſly forward, as it did indeed. Hee not onely tooke nothing to him, which was due unto him, as hee was chiefe Governour, but alſo ſpent of that which he had of his owne

For ſlow not the time till the Biſhops and Cathedral Prelates have waſted all.

A good man will not enrich himſelfe with that which ſhould ſerve to the ſole benefit of many.

Neh. 5. 10.

owne, for the common charges of the wall, and fed many at his table, lent his mony to the poore, redeemed them that were captive, and cauſed his ſervants to doe the like in their place, and that all of them came to helpe forward the worke. The example of *Jehoaſh* King of Iuda, is very memorable for this purpoſe, when the Prieſts had neglected the repayring of the decayed places of the Temple (notwithſtanding the Kings commandement) till the three and twentieth year of his reign: The charge and money for that buſineſſe was committed to others, who were ſo far from gaining by it, that they ſhewed ſuch faithfulneſſe in doing of it, that it was not thought needfull that they ſhould give any accounts of their doing. If ever it pleaſe God to give reformation amongſt us, I pray God that this mercy in framing of the hearts of all ſorts and degrees, after the good of theſe examples, may bee alſo a bleſſing upon us, as I hope that through his tender compaſſion and bounty it will. 2 King. 12.

Now as great a matter ſtandeth in the ſecond point, how this ſhall be ordered: one ſaith that it would be very good that it ſhould be all, and all the other Church-livings likewiſe taken out of the Miniſters hands, and that they ſhould have their ſeverall penſions or ſtipends of a reaſonable ſort; for this, ſaith he, would be eaſieſt and quieteſt, ſo that they ſhould bee troubled with nothing but to follow their bookes, and looke to their charge. If it might be ſo indeed, as theſe words doe roundly beare us in hand, in very good ſhew, it were the beſt, and every Miniſter would bee glad of the quieteſt way, and moſt benefit to the Church. Another peradventure is of a diverſe minde, and thinketh it very inconvenient, eſpecially at this time, when there is a ſetled proviſion for moſt places, and that by ſuch a meanes as is no great trouble to the Miniſter, that will not wilfully be a loyterer. It is better to keepe a good way which we have, then to follow a new, and change for the worſe: and truly this latter agreeth moſt with policy for the State, and with benefit for the Church: for the State, it is found a point of tryed policy to alter as few things as may be, (eſpecially when they are good and well) wherein the people have had a long cuſ- intereſt, for this is a way unto

To put all the Miniſters to their penſions were not good.

anto murmurings, diſcontentment, ſtirs and ſedition, and the people will quickly ſuſpect, that for the private gaine of ſome few, ſuch things are invented, when they ſee plainly that it is very well already. I doubt it will bee found a hard meaſure to ſome, an unlucky peece of worke to begin, heavie in the carriage, and a day of blackneſſe unto poſterity. Secondly, there muſt be offices erected and augmented, and a great many men muſt have Patents, or ſome other authority and office to gather the fruits: and what will come of this (which requireth many devices?) a man cannot tell at the firſt ſight, neither ſhall he ſee all the miſchiefs till it be practiſed: but this muſt needs fall out, that many men for gathering the fruits, for receiving and paying againe, muſt have a fleece, and ſo the Church ſhall be ſhortned and ſhorne of her right, by a needleſſe occupation: when the people ſhall pay peradventure well the more, for he that hireth muſt live by it: againe, when the right and property is out of the Churches hold: it may offer occaſion in time, that it ſhall be taken away altogether, and then there will bee injury to the Church, and oppreſſion of the people.

The ready way to provide for miniſters.

But the other is every way better: Firſt, it is eaſier to bee done when there remaineth no more but the due examinations of the livings, and to redeeme the impropriations, and to augment the ſmaller livings: it is without all ſuſpition, for we ſee the practice, we know it to be good, and need not feare any ill to come of it: and it is more juſt, for then the whole living goeth that way it ſhould, and the people will the better away with it, partly, becauſe they ſee it is beſtowed according to their minde, and partly becauſe they are likely to bee better uſed, and the miniſter for his part ſhall be better able to keepe hoſpitality, and to feed the poore by the uſe of ſuch things as ariſe by that meanes, and that which is no ſmall commodity, he may let out part, or all, as he ſhall finde moſt for his eaſe, and and beſt for his profit; and if there any benefit ariſe, this openeth the doore to him, whereas the other way penneth him in to one certaine place, be it good or be it bad: and it may bee that his neighbours of good will for his eaſe, will gather his fruits for him, and he ſhall ſave all, that by the other way ſhould be loſt, both to him and the people. Briefly, the more one looketh

eth in the comparison of these two wayes, the more hee shall perceive, that the order now established is the best: if the impropriations were redeemed, and the small livings increased. Now for the furthering of this good worke, there are two things to be added, which will helpe this matter very well: First, the uniting of divers little Parishes in one, a thing of common practice, out of which commeth this commodity, the living is increased, and by the number of the people there are the more wise men to be chosen for Ecclesiasticall officers: and the Church shall be the more comely, and as easily taught in a manner. The next is, there are certaine things scattered here and there without cure, these may be joyned to help the smaller livings.

Uniting of small livings one helpe to the ministery.

Benefices without cure may be some helpe, united to the smaller livings.

Then as touching the impropriations; in some there is great ease, and in some there is no great hardnesse. Those which be in Lord Bishops hands, and pertaining to these great Churches, may easily be redeemed, if they bee sent from whence they came there need be no charge: and I doubt not but the third part will be thus redeemed: but if there be any in the Queenes possession, or of any temporall man, or in Colledges, the lands and houses and other temporalties of the Lord Bishops, and other great Churches, may be imployed to redeeme them: If the consideration and account of these things be committed to wise and godly men, inhabiting in every shire, where such livings and Churches are (as *Iosua* appointed three of every Tribe to walke through the Land to describe it) it will easily be found out, that the living of the Ministery will bee brought to a good and comely measure: and that every Church would have at the least two hundred markes yearly for the Pastor and Teacher, and some above two hundred pound, which might also be holpen in some places by tythe wood and meadow, and a greater size of pasture, where such things are either not payd, or not according to the value of the tenths by much.

Resigning and redeeming of Impropriations by Bishops and Cathedrall livings, will be a good meanes to maintaine a learned Ministery.

Ioth. 18. 4.

Tithe wood, meadow, &c. might help in some places.

But here groweth a question: What if the Lord Bishops and the Cathedrall Churches come to more then will serve for the redeeming of the Impropriations, or lesse? If more, (as I am verily perswaded it will) it may serve to recompence the wonted

The overplus of Bishops and Cathedrall livings may pay first fruits, tenths, subsidies, &c.

ted first fruits and tenths, which were from these Sees and Churches, it may serve to erect in all Shires a Lecture of all Sciences, that such as cannot put their sonnes to Cambridge or Oxford, may have them in the free Schooles, and after by those Lectures brought through all arts: which would greatly increase learned and wise men in this land, and make a flourishing time.

If Bishops and Cathedrall livings be too little, a generall benevolence will make it up.

But if it should fall short of our reckoning, there is yet an easie helpe, that is, a free benevolence, and as it were an offering of all sorts of people, young and old, through this land: this way hath the Church of God beene very much holpen and advanced; and who is it that will not bee willing to further such a worthy, honourable, and holy worke? In the time of *Moses*, when he built the Tabernacle, and made the altars and Priests garments, things of a wonderfull great charge, for gold, silver, silke, precious stones, incense, and all costly things, the people came so willingly, and offered so plentifully, that there was too much, so that *Moses* proclaimed that they should offer no more. And when *Hezekiah* commanded to bring a part to the Priests and Levites, to incourage them in the Law, they brought in such abundance, that they did eat and were filled, and yet there remained plenty in heapes that they had made. And in *Davids* time, for the building of the Temple, the Princes of the families, and the Princes of the Tribes of Israel, and the Captaines of thousands, and of hundreds, with the rulers of the Kings worke, offered willingly, and gave for the house of God five thousand talents of gold, and 10000. peeces, and 10000. talents of silver, 18000. talents of brasse, 100000. talents of iron, and they with whom precious stones were found, gave them to the treasure: and the people rejoyced when they offered willingly, for they offered willingly unto the Lord, with a perfect heart, and *David* the King also rejoyced with great joy. And there is no reason to feare the contrary in our time, of which it is written: *The people shall offer willingly in the time of the assembly.* I doubt not therefore of Gods mercy and blessing, if we were as forward to goe about such a matter, with singlenesse of heart, and simplicity of godly wisedome, and would follow after it with earnestnesse of zeale,

Exod. 36.5.6. Our forefathers liberall in giving to the Church.

2 Chro. 31.4.

1 Chro. 29.6.

Psal. 110.3.

zeale, and painfulneſſe of knowledge, forgetting our owne eaſe, pleaſure, wealth and will, to prefer the true worſhip of God, the benefit of our ſoules, the glory of the Goſpell of Ieſus Chriſt, unto the praiſe of God the Father, and this would be the glory of our Land. For thus ſpeaketh God unto his own people, whom he honoureth with his word, *Bring ye all the tithes into the ſtorehouſe, that there may bee meat in my houſe, and proue me now herewith, if I will not open the windowes of heaven unto you, ſaith the Lord of Hoſts, if I will not open the windowes of heaven unto you, and poure you out a bleſſing without meaſure, and I will rebuke the deuourer for your ſakes: and hee ſhall not deſtroy the fruit of your ground, neither ſhall your vine be barren in the field, ſaith the Lord of Hoſts.* Mal. 3. 10

If I ſhould ſtay here, I might be accuſed either of unjuſtice or cruelty; of unjuſtice, becauſe I have but ſleightly ſpoken of her Majeſties due, in the firſt fruits, tenths, and ſubſidy of the Clergy (as they call it) and of pretentations never a word.

The firſt of theſe is the greateſt doubt: for if the Commonwealth ſtand in need (as it is likely in this troubleſome time) then there is good reaſon that all men helpe without any priviledge, in as much as every one hath part of the benefit and comfort, otherwiſe, I am perſwaded, that the royall and Chriſtian heart of her Majeſty would as willingly part from it, and eſpecially the firſt fruits and tenths, knowing how they came in, as ever *David* did, who conſidering that it was the houſe of God, and not man, and becauſe he had a delight in the houſe of his God; beſides the great preparations which hee made of gold, braſſe, iron, ſilver, and precious ſtones of divers ſorts for the Sanctuary, hee gave of his owne three thouſand talents of gold of Ophir, and ſeven thouſand talents of fined ſilver. 1 Chron. 29 3. 4.

How firſt fruits, tenths, and ſubſidies of B ſhops and Cathedrall churches may be paid notwithſtanding they be told to redeeme impropriations.

Firſt it may bee ſeene, whether the overplus of the lands, after the impropriations be redeemed, there be not ſufficient to repay the value of ſo much as the abundance of thoſe firſt fruits, tenths, and ſubſidies of the L. Biſhops and Cathedrall churches doe amount, which if it doe (as I verily think it will, and ſpare, if things be handled wiſely & with a perfect heart)

1. By the ever plea.
2 By the foresaid benevolence.

then there need no further dealing for recompence: and all other Churches may be as in times past: but if not, then the foresaid benevolence may stop the gap for the redeeming of the foresaid impropriations, that the lands may remaine to this use of buying out of the said first fruits, which would be a great ease to the Church, and the burden would not be great, at once to give every man a little of his superfluity, to have a continuall benefit for ever: Besides that, the Ministery would be better able and willing at all times, if need be, to give a benevolence, to further all necessary purposes, to the ease of the commonwealth, as a recompence of this kindnesse.

3. By the renting those churches which are increased.

Besides this, if need be, those livings that be increased by the restored impropriations, or otherwise: may bee set up to higher and greater first fruits, tenths, and subsidies: and where three or foure, lesse or more, be made one, they may follow the rate of so many, so that there need be no diminishing of the treasure of the land by this alteration, except it please her Highnesse of her gracious bounty, upon the tryall of Gods rare blessings towards her and her people, to mitigate some part, as a drinke offering of a sweet smelling sacrifice unto Almighty God: knowing that he can a thousand manner of wayes send it in againe by other meanes, with greater interest and increase: as it is written, *The liberall person shall have plenty, and he that watereth shall also have raine. He that soweth sparingly, shall reape sparingly, and he that soweth liberally, shall reape also liberally, and God is able to make all graces abound towards you, that ye alwayes having all sufficiency in all things, may abound in every good worke. The blessing of the Lord, it maketh rich, and he doth adde no sorrowes to it.* Againe, *If thou shalt diligently obey the voice of the Lord thy God, blessed shalt thou be in the City, and in the field, in thy basket, and in thy dough, When thou comest in, and when thou goest out; the Lord shall cause thine enemies that rise against thee, to fall before thy face: they shall come out against thee one way, and flye before thee seven wayes, and the Lord shall bring upon thee his good treasure, even the heaven to give raine to thy land in due season, and to blesse all the worke of thy hands, and thou shalt lend unto many Nations, and not borrow thy selfe.*

Prov. 11. 25. 2 Cor. 9 6 8. Prov. 10 22. Deut. 28. 1. 3. 5 6 7. 12.

Of presentations.

As touching Presentations, it would be a very good and com-

commendable thing, if they were contained in the free gift of Prince and people, to be reſigned to every Church, which by the lawes of diſcipline ought to have their free choice of their Miniſters. It will be no loſſe to the Patrons, except a man will ſtand upon a dignity. For every man holdeth it Symony for Patrons to take any rewards or gaine, and men are ſworne againſt it. But if it ſhall not be thought good ſo to doe, the order that now is of preſenting of able and ſufficient Clerkes may remaine, ſo there be ſufficient caution that the Canon of Chriſt be not broken, the order of his diſcipline violated, nor the Church whereto he ſhall be preſented, robbed of their right in election. Yet in all theſe things I prefer not mine own judgement or wiſedome, neith r doe I ſet it downe as the judgement of all or many of them that ſeeke the reformation: but, as I have often ſaid, I ſubmit this my private motion to your honourable wiſedomes, and to all godly learned men, that if a better and eaſier way may be found, this may be rejected, onely I crave that the things and my reaſons, firſt and laſt, may be rightly weighed, and that if a better cannot be found, this may be wiſely conſidered, and not neglected. *An humble motion of the Author.*

Now in the ſecond place, it were cruel y (ſaith ſome) to put downe theſe ſpirituall Lords, and great men of the Church, and to turne them into ſmall livings, but eſpecially to turn out the unfit men: it were pitty to ſee them, their wives and children to be put to miſery and beg ing. If a man ſhould make compariſon with their doings, what pitty ought there to bee ſhewed upon them, which juſtly for breaking Gods commandements are turned out, when there is no pitty ſhewed to ſuch as ſtand to Gods truth, and breake onely the traditions of men: To the one the Scripture pronounceth woe, and therefore why ſhould they be pitied? To the other, the Scripture joyneth in league as it were, pronouncing unto them mercy, and with them againſt the other, *In vaine doe you Worſhip God, teaching for doctrine the traditions of men*; why ſhould they not bee pitied? *Math. 25. 6. 7. 12. 13. 2 Cor 9. 16. Math. 15. 9.*

As touching the Lord Biſhops and great Clergy men, which have ſo laden themſelves with thick clay, that they have much adoe to get up in the pulpit of God: doe they not know that *Haback. 2. 6.*

it is their duty, that they pleaſe him who hath choſen them
2 Tim.2.4. to be his ſouldiers, not to intangle themſelves with the affaires of this life, and that they ought for the peace and wealth of the Church, to follow the example of our Lord and Maſter Chriſt Ieſus, and to have his minde in them, who being God
Phil.2.5. made himſelfe of no reputation, and took upon him the forme of a ſervant, and was made like unto men, and was found in ſhape as a man, and humbled himſelfe and became obedient unto death, even the death of the Croſſe, and hee being rich
2 Cor.8.9. became poore, that we through his poverty might bee made
The Bishops and Cathedrall Prelates, if they be fit, may be applyed to ſome particular Churches of good living. rich: Then is it a ſmall matter for them to leave thouſands, and be content with their hundreds: and ſurely I hope ſo of the men that they will: for God forbid that they ſhould be of that curſed crue of unbeleevers: who they know love the praiſe of men more then of God: and ſeeking honour one of another, ſeeke not the honour that commeth of God alone: or of thoſe unfaithfull ſtewards, which ſeeke their owne, and not that which is Chriſt Ieſus: or of thoſe damnable belly-gods whoſe glory is their ſhame, and minde earthly things, when all the true Miniſters have their converſation in heaven.
Iohn 5.44. Philip.2.21 cap.3.19.20.

As for the other, which by no meanes can be fitted to bee workmen, and to labour in Gods building and husbandry: although they are worthy of nothing for their preſumption and
Matth.5.13. raſh entring where they ſhould not, but as unſavoury ſalt to be caſt forth, and trode under foot of men, eſpecially ſuch unthriftes, as being broken from living by their trades, or are thruſt out of their untimely occupation of a ſerviture, do chooſe as their refuge, and for an eaſie life to be in the Miniſtery: yet
2 Cor.13.10. becauſe the Church is to correct her children to edification, and not deſtruction, and the law of charity wiſheth to do good unto all men, yea unto them that have done us evill; and it may pleaſe God by this meanes to give them repentance, it
Unable Miniſters being displaced, may have ſome ſtocke, or a pention for their life time. may be a very good thing that theſe have a ſtipend for their life time, or ſome ſtocke to helpe them that are not able to get their living otherwiſe by their trades: and eſpecially ſuch as being very honeſt men at the beginning of her Majeſties reigne, were drawne in of ſimplicity, not knowing the great burden of the calling: onely herein they have greatly offended,

ded, that through idleneſſe they have not, in all this time attained to any knowledge fit for that calling; and they have beene divers wayes admoniſhed, yet ſome may be one degree more charitably thought of, becauſe they have ſo ſmall living, that they are driven to labour and care to make it hold out, being burdened with very many and too heavie payments.

And in this point, the honourable and noble care of King *Henry* the eight, hath purchaſed his due praiſe in giving ſtipends or penſions, for the life time of them that were turned out of the Abbies and Monaſteries, which were no more worthie to be ſuffered in a Commonwealth, then theſe Lord Biſhops, and unpreaching Prelacy: and it will be found a better thing, and eaſier for the Church, a little while to beare the burden of theſe mens penſions or ſtockes, then to ſuffer the Church to be damnified by them for ever: for we ſee that it is a brood of ſuch a nature that will hardly be weeded out, except this good way of turning them out together be taken in hand: and while men will looke to doe it by little and little, a time will fall out, that they will waxe too ſtrong, and oppreſſe the good miniſters, as the Canaanites did Iſrael under *Iabin* twenty yeares. Delay is dangerous, and curſed is hee that doth the worke of the Lord looſely and negligently. Iudg 4.1.2.

But what, ſhould I run through every thing? I know your honourable wiſedomes can doe a great deale more ſufficiently in the conſideration, ſearching, and applying of every thing to his proper place, that God hath raiſed up at your hands very notable men which are endued with gifts: which like unto *Bezaleel* and *Aholiab*, are filled with an excellent ſpirit of wiſedome and underſtanding, and knowledge in all the worke of God, and to teach other likewiſe. Therefore as this is every way the fitteſt time for ſuch a holy and honourable purpoſe, ſo I thought I was in conſcience to make known that which hath diverſly and many times beene adviſed of in my mind, as it were by an humble motion to bring to your remembrance, that which I hope you cannot be ignorant of: and in ſome ſort to enter you in that, which I truſt you are Exod 35.30. 34.

willing

willing and forward unto, and to draw that out with a coale, as it were rudely, which you by good advice and mature judgment, may bring forth and make perfect with great profit, beauty, and glory. And I referre all that I have done unto your honourable, wise, and godly censure, that if I have swerved any thing from the word of God, or good reason, agreeing to the same, it might be rejected, protesting that I meddle not with any mans person, but with the cause, and understand and meane when I reprehend some mens doings in the naming of the persons, onely by the title of their place, the thing which is the ground and occasion of such doings: which being taken away, I suppose the evill of such persons will be purged. And thus in all humblenesse, desiring your Honours, and all wise men, to consider in the feare of God of every thing, without prejudice to the truth, or affection to men or times: from my very soule I commend you to the tuition and government of Almighty God, and whom from the bottome of my heart, in feare and trembling, I doe pray and beseech, to poure downe the riches of his graces upon us all, in all wisedome and spirituall understanding, that we may walke worthy of the Lord, and please him in all things, and namely upon his Anointed and gracious handmaid, *Elizabeth* our deare Soveraigne Lady and Queene, to blesse her with long dayes, and good among us, with daily increase of honour before God and men, and joy of heart in the Holy Ghost: and that we all which are under her, may worship our true and everlasting God, according to his word: in truth, sincerity, and uprightnesse, and live in all faithfull duty to her Majesty, and godly love one with another, being blessed with peace, wealth, and godlinesse, from generation to generation, through Iesus Christ our Saviour, to whom with the Father and the Holy Spirit, one God, bee all honour and glory for ever, *Amen*.

*FINIS.*

# A SURVAY OF THAT Foolish, Seditious, Scandalous, Prophane LIBELL, THE PROTESTATION PROTESTED.

Boëth. de Consolatione.

*Nil perjuria, nil nocet ipsis fraus mendacii corrupta colore, sed cum libris viribus uti quos intuemur metuunt populi sentiunt gaudent subdere Regis.*

LONDON,
Printed in the Yeare, 1641.

K. England. — Parliament. — Proceedings. — II.

# A SURVAY OF THAT Foolish, Seditious, Scandalous, Prophane LIBELL, THE PROTESTATION PROTESTED.

LONDON, Printed in the Year, 1641.

## READER.

THis flash, the suddain thoughts of a day, had outfac't its adversarie the first week of his age, ni prælum sub frequenti puerpero gemiscens, obstetriceam negasset operam; nor without much pressure through a croud of opposition hath it throng'd out to thy hands; the birth how mean soever was nigh strangled in the cradle: Take it as it is, an autoschediastick. The same affection to my mother the Church skrew'd it from me, that loosed his tongue in defence of his father; She may say to her more concerned sonnes, as Jacob to his, why stand you gazing one upon another? a fatall lethargie hath so stiffned their imaginations, that nothing is heard from them but the damps and groans of a dying body, whether sydere tacti, or fallen in a spirituall premunire, I know not. It is true their scale may expect a more proportioned adversarie, but they do not mean time consider that Libels the more vulgar, because fitted to that capacity, be the more dangerous; silence appears guilty or timorous to this talkative age, either of these may edge an ignorant or base party. This Comet points also at the State, for the loose rain'd popularity the Libeller aims at, is no lesse dangerous to the liberty of the Subject, then a too high tun'd prerogative. Once acquaint that Briareus, the multitude with the secrets of government, they will rush into the cloath of state; they like the smaller starres have their course thwart that of the greater lights of the Kingdome, nor give any motion (unlesse these be retrograde at bidding) to the higher spheres, except that of trepidation, and

*when they come to be* stellæ culminantes, *and take the influence, the management upon them, they neither know the disease, nor the remedy, but like empty stomacks work upon themselves, while the spiders of the State weave nets of their humors to catch adventures.* Sed manum de tabula, *I find my affections too warm here for my Iudgement. I do ingenuously protest I am no enemy to the agents or petitioners for a Reformation; The last times abound most in lees, and the evening Horizon hath the thickest vapours: but a* medicine *not a destructive must purge those, a heame not a thunderclap dispell these, onely the sectaries who swell now beyond the reach of names and numbers, I have here glanced at: these hotspurs run themselves breathlesse, and leave others so far behind that they despair to follow: nor can they (errour and faction is so individuated with their opinions) attend the leisure of authority, or keep the path chalked out to them by a Parliament, but they must needs instantly from superstition to prophanenesse, from disorder to Anarchy; so farre have I justified my self, give thy approbation, if it please thee, I court it not, nor am I a Chamelion to breath in that aire; onely let thy charity extend to the errors of the presse, and be not moved with such grains and scruples, but impute them to the Epidemick of the times.*

Farewell.

Errata.

Pag. 2. l. 9. for a read or. p. 6. l. 4. f. *Sayles* r. *Laicks*. p. 6. l. 4. f. *little* r. *Ex-*
*Mr.* p. 7. l. 16. *to have a cause* r. *[illegible]* p. 8. l. 30. f. *[illegible]*
*Lawes.* p. 9. l. 24. f. *[illegible]* p. 11. f. *[illegible]* r. *[illegible]* p. 13. f.
*oyster* r. *oyster board.* p. 14. l. 3. f. *or* r. *in.* p. 20. l. 18. f. *superfluous* r. *superfi-*
*tious.* p. 21. l. 26. f. *other* r. *either.* p. 23. l. 17. f. *[illegible]* r. *[illegible]*
*[illegible]* p. 24. f. *[illegible]* r. *[illegible]* f. *[illegible]* p.
24. l. 17. *adde what say you to [illegible] in [illegible]* p.
*Bapticholica.* l. 6. f. *Fatterers* r. *Sauters.* p. 26. l. 6. f. *[illegible]* r. *[illegible]*
*[illegible]* l. 19. *indutment.*

# A SURVAY OF THAT FOOLISH, SEDITIOUS, SCANDALOUS, PROFANE LIBELL,

# The Protestation Protested.

---

Epist. 2. Timoth. Chap. 3.

*IN the last times perillous dayes shall come; for men shall be lovers of their owne selves, covetous, boasters, blasphemous, disobedient to Parents, unthankefull, unholy; without naturall affection, truce-breakers, false accusers, incontinent, fierce, despisers of those that are good: Trayterous, heady, high-minded, lovers of pleasure more then lovers of God: having a forme of godlinesse, but denying the power thereof, from such turne away: for of this sort are they that creepe into houses, and leade captive silly women, loaden with sinne, led away with divers lusts, ever learning, and never able to come to the knowledge of the truth; now as Iannes and Iambres withstood Moses, so doe these also resist the truth.*

Epist. 2. Pet. Chap. 2.

*But these speake evill of the things they understand not, and shall perish utterly in their owne corruption: They have eyes full of adultery, and that cannot cease from sinne, beguiling unstable soules: An heart they have exercised with covetous practises; cursed children, which have forsaken the right way, and have gone astray, following the way of Balaam the sonne of Bosor, who loved the wages of unrighteousnesse: These are wells without water, Clouds that are carried with a tempest, to whom the mist of darkenesse is reser-*



*ved*

*ved for ever: for when they speake swelling words of vanity, they allure through the lusts of the flesh, and while they promise them liberty, they themselves are the servants of corruption.*

Epist. Jude.

*Also these filthy dreamers defile the flesh, despise dominions, and speak ill of dignities: These speake ill of these things which they know not: Woe unto them, for they have gone in the way of Cain, and ran greedily after the errour of Balaam for reward, and perished in the gainsaying of Core: clouds they are without water, carried about with winds; trees, whose fruit withereth, without fruit, twice dead, plucked up by the root: raging waves of the Sea, foaming out their owne shame; wandring starres, to whom is reserved the blackneſſe of darkneſſe for ever: These are murmurers, complainers, walking after their owne lusts, and their mouthes speake great swelling words.*

---

GOodman Cobler, (it is you that hath ſtitched together this Tubb-Sermon) or whoſoever elſe of the moſt holy inſpired fraternitie, I have taken you Sir for my taske: And that becauſe of my abilities, *Nil Sutor ultra crepidam*, I dare venture no farther than your old ſhooes; if I can finde you there, and that your trade miſtake not the reformation of *Soales*, it is well: but you are become a Preacher at the *Laſt*, and by that old peece of yours, (ſuch ſtuffe you meddle with) taken from *Barrow* or *Marprelates* Reliques, hath made the ſciſſure worſe. Nor ſhall I trouble your conſcience to thruſt order upon you, whoſe Religion it is to contemne all order; I muſt follow you, as you have followed your Enthuſiaſmes, and that in the ſame manner; for as in preaching and prayer you are extemporary, ſo am I in anſwering: I am not two dayes your debter, leſt you, as your uſurious brethren are wont, had expected Intereſt: It was too much coſt to beſtow paper though not paines upon you. When I traced every ſtep of your lazie and ſuperfluous diſcourſe, to have joyn'd with my adverſarie, I found you as naked as an *Adamite*, not (one reaſon) the leaſt peece of armour

mour with you; It had been a ſhame therefore to have drawn upon you, I have onely uſed the whip, that may perhaps teach you ſenſe. It is true, foure times you cite Antiquitie, but in your own way, that is, with greater reſpect to Heatheniſme, then Chriſtianity, if that proceed from a Biſhop, for you marſhall three Ethnick Emperours with one *Euſebius*. And why him, I pray you? doth not this derogate from your infallibilitie, if in a ſyllable you be obliged to a Father? what? are not you and your Bible the onely Judge of Controverſies? can any one finde out the true meaning of Scripture, except your ſelfe, who hath monopolized (with all pietie and reverence be it ſpoken) the Spirit of truth? To ſay otherwiſe, were to preferre *Rome* to *Amſterdam*: But I doe forgive you, you have dealt very moderately in this point; one onely you mention, and him in matter of fact, the reſt of the Booke is your owne invention, where you have as faithfully abſtained from Learning and Antiquitie, as (and they are ſo to you) from hereſie and ſuperſtition. If the Reader complaine of Vineger in the Inke, let him remember that the bite of the Viper (and ſuch they are that rend the bowels of their mother the Church) is beſt helped by the antidote of Vipers: a phrenſie is hardly cured but by the lance, the ſcourge, the whipping-poſt: Darke roomes indeed, and a large doſe of *Ellebor*, were the fitteſt attendants for ſuch roavings: But give me leave to convey him home to his Bedlam, there in the paroxiſme of his madneſſe, to have his familie exerciſe; and by the way (though I wander after him that hath long ſince wandred from himſelfe) I hope in charity ſo be-labour the man, that hee may henceforth know that part of Scripture practically; (if it be not againſt his juſtification to know any ſo) *A rod is for the backe of the foole*: nor wiſh I worſe ſucceſſe to all his braying aſſociates, though their lugges be without the Biſhops viſitation, yet I hope their necks is within that of the Parliament; that Honourable and Judicious Aſſembly will in due time provide againſt theſe monſtrouſly abſurd Libells, that heap of non-ſenſe, from the which ſuch a vapor of ſtupiditie and ignorance is exhaled; that who are ſtrangers to our better times, if they behold this Iland thorow

row the ſame, ſhall verily thinke it under an univerſall Lunacie. But I have ſtayed you too long before the doore.

You Vſher in that diſcourſe of yours by a preface, uſed belike many times before your Dreſſer-Lectures, and tell us ſomething of *conſcience, and its ſcale*; not unlike the Lap-wing, keeping the greateſt ſtir when you are fartheſt from your neſt: conſcience in the contemplation, in the pretence, is yours; but what have you to doe with it in the realitie, (ſo here you preſſe it) in the practice? beware this care of yours *in agendis* make you not ſuſpect of merit, if not of ſupererogation. The peece of ſacred Scripture you make bold with, in my poore judgement comes not home to the point: the words doe rather concerne a voluntary then impoſed vow, if any be ſuch; and therefore had beene more congruous (if, as you doe, by your infallibilitie, you had juſtified the matter) to the holy Proteſtation is made in your Parlour meetings, for tearing a Liturgie, rending a Surplice, burning the Railes, and pluming a Biſhop: but you cheat the world with a froath of words, and amuſe the well-meaning; but the ignorant multitude with an empty noiſe of conſcience, purity, and reformation: they ſay it is an evill ſigne to ſtumble at the threſhold; and *If God take no pleaſure in fooles*, you have prefixed a very ſlender approbation to your booke.

Your next is, you tremble to ſee what ſmall account moſt men doe make of ſo ſolemne a Vow. How doe you (which is yours *quarto modo*) preach and practiſe contradictions? Were ever the moſt ſuperlative votaries of the Church of *Rome*, Jeſuites and Seminarie Prieſts, more obſtinately miſzealous in refuſing Oaths, as Civill and Eccleſiaſticall tyrannie and Antichriſtianiſme then you, when they ſute not with your paſſions, and intereſts? Witneſſe theſe of Supremacie and Canonicall obedience; the Gate-houſe can tell us how much leſſe you have eſteemed your bodily, then your Chriſtian liberty in ſuch caſes: And if the feare to be plundred of a faire Eſtate, or the love to a fatter Benefice, can buy in this niceneſſe of yours, and perſwade you to loſe a Button, you have no more conſcience in obſerving, than you had obedience in taking the Oath: For, if Authority be in the wain-

ing,

ing, and ſome popular ſtars promiſe you liberty, how ſoone doe you breake theſe cords aſunder; and with a *Jusjurandum illicitum ſolummodo ſtringit ad panitentiam*, ſtart you aſide like a deceitfull bow? Yea, thinke your ſelfe obliged to redeeme your ſlackned rigour by an after-increaſe of heate and violence? Yet are you ſtill the ſame man, love of gaine preſcribed your oath, and the ſame abſolves you from it, which doubtleſſe your honeſty by a mentall reſervation, did ever lay as a ground; Happy you, whoſe conſcience can mould and faſhion it ſelfe to the impreſſe of the times, and ebbe and flow with the aſpect of different occaſions! bee aſhamed therefore (tremble you cannot) when you ſee *What ſmall account moſt of you make of your ſolemne vowes*: God is not mocked; nor ſhall your bragges of caſting out Devils of Idolatrie and Superſtition in his name, ſave you in that day.

Having thus skirmiſhed, you advance with the maine battle, ſubjoyning, *That the Miniſters and People have taken the Proteſtation, and have ſolemnely vowed to maintaine the Doctrine of the Church, ſo farre as it is oppoſite to Popery.* They have ſo, and ſo might they ever performe; but cannot one Devill be caſt out, unleſſe ſeaven enter? have they therefore vowed to erect *Anabaptiſme?* is there no midde betwixt the extreames? no ſalvation, but either in the communion of the one, or conventicle of the other? muſt either a ſhaveling or a ſcavinger be the ſtarre to point us out the way to Chriſt? lend us ſome of your light, your tallow, to finde out a conſequence here, I pray: I muſt tell you, and (*Ni frons periit*) you may bluſh at it; you have defiled your fathers houſe, and laid us open to the opprobrious inſolence of the common enemie, who eying us in (your) your droſſe, wantonly upbraid us, to have rejected under the name of Superſtition all viſibilitie of a Church, and by the title of purity, to have brought in nothing elſe but profaneneſſe and Atheiſme.

And it is not profaneneſſe to thinke ſo ſlovenly as you doe of God and his Service, Atheiſme; to profeſſe ſo much, and practiſe nothing at all? You are ſo point-blanke againſt an innocent, harmeleſſe, decent worſhip; that either there have beene no Chriſtians before your dayes, or you are none ſuch:

Ours perhaps in abomination of ſo obſtinate fooliſhneſſe, may deſperately make Apoſtaſie to *Rome*, but we can expect none from thence, if you be admitted to baniſh from us the outward being of a Church, their very ſayles may thinke us refuted by common ſenſe, when they finde nothing amongſt us that relates to Chriſtianity. But what if under the name of Popery we finde you ~~are~~ touched by the *Proteſtation*, and ſo tranſport you in a ſecond Colonie from *New-England* to *Babylon*? It is a received principle, that *Proximius eſt extremum extremo, quam extremum medio*: and *Lyſimachus Nicanor* doth tell you, (not theſe to whom he ſpeakes) that whilſt you refute the ſittle, you nouriſh the worſt of Papiſts in your owne boſomes. See your ſelfe in him, and take theſe gleanings further: you plead the ſame independancie with *Rome* from the civill power, except it bee more eaſie for a Scare to tamper with one Biſhop in Chriſtendome, than with one in each Pariſh: You maintaine the excommunication of Princes, which is denied by many of her followers; and that too, ſo much the more dangerous in you, as you are ready to pretend a charter, a demiſe, of temporalities *in ordine ad ſpiritualia*, not from the Pope, but by a revelation from heaven; with the clauſe, *Deus tranſfert imperia*: you may, and it pleaſe you, remember of *Johannes Lerdenſis Rex Iſrael*, who was hurried by ſuch a trick as this from the Shuttle to the Scepter. Yea, in the matter of Epiſcopacie you joyne hands with the Beaſt; you and his Holineſſe muſt have all Biſhops, except him and your ſelves, to be in the beſt ſenſe, but of humane inſtitution; ſee the hot Bickerings about this plea, (if your reading goeth beyond a ſix-penny ware) in the third Convocation of the Councell of *Trent*: Vnhappy Biſhops! grownd betwixt two factions, as betwixt two milſtones; there the Pope of *Rome*, here the Pope of the Pariſh upbraiding them equally as uſurpers. I could tell you further your Ethuſiaſmes, and their traditions are from the ſame Mint-houſe, you from a tumour of preſumption, they of authority, alike ready to belie the holy Spirit, and the bleſſed Fathers: But having brought you to *Tyber*, I leave you both as twins (no difference but in age) to ſucke the Wolfe your common nurſe,

nurſe, and proceed to your (for the Sections, if no more) ſchiſmaticall diſcourſe.

Here I muſt *luctare cum larva*, grapple with *non-entities*, doubts and negatives; as if the old Sceptike Philoſophers were revived in you, or as if *Sixtus Empericus* had founded your ſect; Tell me in good earneſt, why is there nothing poſitive in you, but all your reformations conſiſt of denialls: you are perhaps, afraid, by having any thing common with others, to be thought of the Church univerſall, which you have now thruſt out of your Creed, and given her a bill of divorce; or elſe it is that your Chriſtian liberty can heare of no reſtraint, even in the fundamentals. Your objections (though like *Ixions* cloud, airy, and by your owne fancie and ſuppoſition) I paſſe them by, as the onely orthodox part in you; and ſhall ſtrictly tie my ſelfe to your anſwers, leſt I ſeeme rather to have a cauſe, then found a party.)

In your firſt and ſecond, you make your poſture, and take your ayme, in the third you let in the thruſt againſt the Church of England; but with no leſſe miſtake, nor better ſucceſſe, than when *Don Quixot* (one who for a head-piece, might have beene moderator to your dyet) juſted againſt the wind-mill, in ſtead of the inchanted caſtle. At the firſt view, by the multiplying glaſſe of your purity, you can diſcry foure of the beaſts heads, and informe us, *that the Liturgie, diſcipline, government and ceremonies of the Church of England are popiſh*. Suppoſe now it were ſo, Is not your curſe, who diſcovereth your mothers nakednеſſe, double to his, who did not cover his fathers? But I have miſtaken you, your anabaptiſation doth priviledge you to be none of her ſons. What a curſed *Shimei* is this to lay this heavieſt imputation upon the moſt glorious Church in the world? I ſhould tell you, if you had either patience or judgement for inſtruction, the Church of England, ſince the reformation hath beene onely ſhe, who hath ſeriouſly entred the liſts with the enemy, keeped them in hot blood, and ſcarce granted a breathing time to her oppoſites, who, if not to award her blowes, had not daign'd to blunt a pen againſt your ſect. Did not *Cranmer*, *Ridley*, *Latimer*, and numbers more of religious and learned martyrs, ſeale their departure from the Church of

*Rome*

*Rome* by their deareſt blood, and muſt your ſacrilegious hands throw their ſacred duſt in the ayre, by perſwading us, that they dyed popiſh, not as members only, but (in ſome kind) authors of that Church, that publique ſervice wee now enjoy? How may this incourage the Romaniſts, when by our pretended ſelves, not onely our beſt champions, but our very Church is made theirs? How ſhall they triumph over us, and our unneceſſary debates, (they fight cloſely within doores, when we bawle in the ſtreets) telling us, we cannot agree amongſt our ſelves, untill wee returne *ad Petram unde exciſi ſumus*. What you ſay in defence of this your generall poſition, wee ſhall ſee in each particular, only I cannot paſſe your *Impoſition* of the Liturgie; *Hinc illæ lachrymæ*: any thing that is by order and authority is burthenſome; you idolize onely the calves of your owne making, that is, of your crazed imagination. But how ſhall this humor of yours ſuit with the unity of a Church? can many ſhreads of cloth make a garment, and doe not you remember that Chriſts coat was without a ſeame? Nay, for that you care not, you will be very loth to plead right in Chriſts Teſtament; *My peace I leave you*; for a needleſſe feare to be polluted with the antichriſtianiſme of Eccleſiaſticall courts. Theſe who are in Civill or Eccleſiaſticall power, may from thence learne, what a narrow circle you confine them within; nor ſhould they take this ill, when ſome of you, the Antinomians, doe pretend immunity from the morall Law, the Law of God himſelfe (perhaps they dreame of a Patentee by the Goſpell) and tell us with *Pharaho*, in the pride and hardneſſe of their hearts, *Who is the Lord that we ſhould obey him?* But I haſten to your next.

Then you labour with tooth and naile to untie the obligement of the *Chaos*, and tell us firſt, *That the Law for reformation never intended to allow or ſet up Popery in England*, nor I hope to deface Chriſtianity. What the intention of the Law hath been, and how underſtood hitherto, whether ſhall we believe the Law it ſelfe, the articles, the canons, the rubrickes, the ſervice of the Church, the ſtatutes of Parliament, the joynt conſent and practice of all good men, and learned Writers (theſe without a ſeeming difference, give approbation to the preſent Liturgie and

and government of the Church) or you, who is *filius terræ*, a Mushrume, a sonne of yesterdayes? your selfe conceit deserves my pity, not my refutation, and having by your pulse found out your fever, pardon me if I refuse to take such a verdict upon your trust, untill you be restored to your wits, neither then must you expect to be ballanced with so many contrary pregnant testimonies. Your second is yet of a higher reach, *All humane lawes contrary to Gods Word are invalid and voyd, ipso facto*, and all must be such, to the which your infallibility is not pleased to give approbation. Tel me, I pray you, whether should the Judges, or your selves determine the integrity of the Law? if they, why doe not you attend their determination? how is it, that the hand must reforme the head, the people their Prince? and doe you thinke petitions, covenants, and insurrections the surest gradations to the Kingdome of Heaven? But if your selves onely, what need have you of Judges? Magistracie, and Trienniall Parliaments are to you but cyphers, and visible nothings; your consent is the figure which makes the number: for if old Lawes be to be repealed, it is sufficient, if you say, *These are against the Word of God*, no more obedience from you; your *Sic ipso sic jubeo* is more than powerfull, the wall of each Citie must to the ground at the voyce of your ramshornes. And if new Lawes be to be made, it seemes it is you that touch with the Scepter, unlesse your wise heads finde them agreeable to the Word of God, *all is voyde ipso facto*: What language is this? Is it not the Dialect of rebellion? the very *ego*, the *Tellus physicus* of all disorder, mutinie, and confusion? Now let the world judge betwixt us, whether or not this your Doctrine strikes home to the very life of government, and destroyes it insensibly, as the worme that Gourd of *Jonas*: every man, by this *ipso facto* of yours, is left with a supreame power to bee King and Priest to himselfe.

Your third ground is of the same bullion, and carryeth your Image, that is, of Schisme and Democracie: *You have vowed against all Popery, and finding the particulars mentioned to be so, you will have no more communion with them*. What if you should finde the Decalogue, and the Lords Prayer (as

you have already the Creed) to be Popish, must not all the Principles of our Religion, for your pleasure, be drawne within the verge of a thundring abjuration? nor is this feare in vaine: your precisest Gospellers already deny the Law, as only suteable to the Climate of the *Jewes*, and some of your best Rabbies make it a case of conscience not to say the Lords Prayer, that *Magicum canticum* (as they tearme it) *Pontificorum*; if therefore this wantonnesse of yours bee not restrained, I appeale to your selves (that is, to prejudice and faction it selfe) if we shall have more certainty of Religion left us, then what may subsist with the ebbing and flowing of your distempered and Moone-changing braines.

It is your next care to draw the Parliament to your party; but there is no communication betwixt light and darkenesse: nature hath taught all *Entities* to intend their owne preservation; nor can that Honourable Court forget its being, and joyne with you: plant you at such a distance, whether your antipathy may reach, you shall no lesse exhaust the priviledges and authority of that most honourable meeting, then the Cabage doth the sap and life, and vigour of the noble Vine: can this bee more evident than by the case in hand, where you take the Supremacie upon you, and with intollerable pride and foolishnesse presumes to give us the infallible sense and meaning of the Parliament: I know you had no such Commission from their Honours, as to bee their trencherman, and to print a Declaration for them. But let us examine your reasons. First, *They intended the Protestation against all Popery.* It is granted: but are you not like the doore that turneth all day upon the hinges, and never changeth its place?

Have you yet proved these things to be Popish? nay, though you had, (which you shall never doe, —*rumpantur vilia cedro*) were the probabilities of your arguments, a warrant good enough for your reformation, without the approbation of your Superiours? you indeed never desire a better, whilst you doe what seemes good in your owne eyes, acknowledging no King in *Israel*. But who gave you authority to cleanse the Temple, unlesse you maintaine that all power is from the people,

people, (your hands) and that you may ſtop the wel-ſpring, the fountaine, when the fit takes you. Secondly, *You remember us that the Honourable Houſe of Commons will not have the Proteſtation extended to the maintenance of any forme of worſhip, diſcipline, and government; nor of any Rites and Ceremonies of the Church of England*, and therefore they condemne them as Popiſh? What a wild conſequence is this? if that pious Judicatory did not finde it convenient (as it is not) to aſſert the grounds of Doctrine and Diſcipline with the ſame oath; did they therefore condemne all as Antichriſtianiſme? that they did not is cleare to any that will not ſhut his eyes: firſt, from the maine diſtance they put betwixt *Popery and Popiſh Innovations, and the forme of Worſhip, Diſcipline, Government, and Ceremonies of the Church of England*, interſerted by ſuch a period, as your ends ſhall never be able to draw together. Secondly, from their laudable and religious practice, in being at all occaſions preſent at the ſervice of the Church, wherein none but *Familiſts* (who doe conforme themſelves to any publike worſhip) can imagine their integrity and nobleneſſe, for all the world would prevaricate, if they had but thought (much leſſe declared) the Liturgie, as you would have it, to be the maſſe-booke. And for the government of the Church by Archbiſhops and Biſhops (this is the heell you would moſt willingly bruiſe, becauſe it bruiſeth your head) it is no leſſe evident that the proteſtation doth not condemne that: Firſt, from their actuall ſitting in the Houſe, ſhould theſe members integrate that body, if they were already adjudged as ſlims of the Antichriſt? this were a too heterogenious fancie: Secondly, what needed the late diſpute concerning the preſent Diſcipline, if the ſentence had beene already paſt? Thirdly, would ſo conſiderable men for honeſty, wiſedome and power, of that number, whoſe reaſons militates for Epiſcopacie have ſtood up in defence of a maine branch of Popery, and not have beene aſhamed (if not puniſhed) for publike maintaining the Antichriſt, and contradicting their late vow and order? Theſe reaſons, will you will you, doe convince you, that it was not the intention of the Parliament (as you to arme them againſt Eccleſiaſticall

persons and orders in every corner of the kingdome would beare the people in hand) to protest against (though it seemed not fitting to protest for) the present Discipline, Government and Ceremonies of the Church; if you had a fore-head, you would be ashamed of this boldnesse, but your obduration hath no more sense,

*Quam si dura silex, aut stet Marpesia cautes.*

These great patrons of Church and State, shall no doubt punish this malepert saucinesse of yours; for their love to peace and truth cannot permit such a firebrand to belie their intention, and abuse the credulous simplicity of the multitude: I am confident this reply of mine shall first visit you in the Gate-house. Did you, I beseech you, ever thinke it possible, that the roarings and out-cries of such braying schismatikes as your selfe, could have induced the honourable Court of Parliament to change upon a sudden the whole face of the Church, as that of a scene, upon the daring and misgrounded information of your ignorant & malicious libels: the drosse, the off-scourings of the multitude are yours; these, and these only, you are able to induce by promises, or deceive by pretences: Tell them, as you doe, that they are the people of God, set apart for the great worke, and shall not this ambition blow up the unconstant vulgar? Shew them they may change their fortunes, and last share in the publike government, you may draw them along with you to the slaughter, though there you leave them with your grand-father *Munster*, benediction, *Si quidem populus vult decipi, decipiatur*. But doe you expect that the grave Statesmen of the kingdome shall be pleased to venture upon this *Chaos*, and let you shuffle the cards againe, in hopes of a better set? your parity brings along with it an Anarchie, and that, all imaginable ruine and confusion; I'll tell you in your eare, you had better keepe your Pamphlets at home, and have restrained the late zealous spurs at Southwarke and Saint Margarets, if you would not have had your passions detected; these staring lookes of yours so soone after the change, do fore-tell what madnesse

madneſſe you may come to at the heighth of the Moone, and will (no doubt) perſwade that ſupreme Judicatory either to draw blood of you in time, or to provide manacles for binding up your furious attempts, leſt you teare out your owne bowells. Your third reaſon leanes to a thought, a ſuppoſition, and is a ſtraine of your old lunacy; *That the honourable Houſe of Commons did* intend to exclude whatſoever ſhould be found to be a branch of popery. But who ſhould finde it ſo? themſelves, or you? Have they reſigned that power which God, his Majeſty, and their ancient privileges have indued them with, into your hands? muſt they and we be tyed to what fancy your humour ſhall be pleaſed, to thruſt upon their juſt commands, and our due obedience? This were a dangerous implicit faith, and of as large bounds and great variety, as there is judgements and opinions in a kingdome: for ſhame (if you be reaſonoable creatures) ſpare this *nonſenſe*; and rather thinke that the proteſtation hath an edge to cut out your tongue, than to cut off what your unſetled imagination after a Fridayes ſupper from the back of an Oiſter ſhall Dictator-like happen to belch up. You tell us in the fourth place: *That you are all in an erected hope of a reformation from this moſt noble Parliament*; and ſo are we too; yea, no leſſe confident than your ſelves, that all Popiſh traſh ſhall be made packing; but may it pleaſe you to go along with that baggage, and attend the ſafe tranſportation of theſe fopperies, we ſhall be rid of two great evils; at your returne from *Rome*, you may take your reſt by the way with your brethren at *Amſterdome*; no peace for Iſrael how long the Jebuſites are thornes in our ſides; and if the Papiſts and you (I cannot tell how to name you, unleſſe it be Legions, you are ſo many) the Foxes, the *bouteſeux* joyn'd by the tailes were once removed, wee ſhould have good hopes no more to ſee our corn-fields in a fire. The reformation you expect, is a deformation; your active zeale extends to the purifying of Churches, yea, of Church-yards; as lately one of your ſocietie was buried in the fields, leſt his ſanctified body might be polluted by conſecrated, that is,

ſuperſtitious ground: a ſtrange ſepartion that hold even amongſt the dead: But when you have baniſhed from us all that can ſpeake as Chriſtians, what ſhall be the event? the ſad ruines of a torne Church and State, yea, of Religion it ſelfe is at the ſtake: for the more weake and conſcientious people, who expect ſalvation in ſome Church, will rather joyne with *Rome*, then have no Church at all, like the fiſh, changing the hot water with the hotter fire; others, who have made Religion their hand-maide, ſhall be bold to laugh at piety, and thinke it nothing but an invention of policy, to bridle the humours of the leſſe daring, and to encompaſſe the deſignes of the more active wits; ſo the fruits of your reformation ſhall be like theſe of *Gomorra*, pleaſing to the ſight, but in effect either Apoſtacie, or Athiſme. In your fifth ground I acknowledge your perfect idiome, the compleat language of *Amſteldame*; their you tell me, that *ſuppoſe the Houſe of Commons had not intended the removall of theſe things, but the protection rather of the ſame, yet private Chriſtians muſt put to their hands, and reforme themſelves, and live no longer ſcheole-boyes and punies under the ferula of that diſcipline*: Now you ſpeake to the point, and have but dallied hitherto. Biſhops I ſee and Parliaments are in the ſame reſpect to you, if once they croſſe your humour; if this be not a trumpet of ſedition, there is nothing ſo. Goe on, and give not over till the Common-wealth be fitted to your Church (as one of yours ſaid, the hangings to the roome) let us have that prodigious monſter, your parity, in both, without ſo much as diſtinction of head and feet, and then you may reforme when, and what, and how you pleaſe. Can there be the leaſt thought of loyalty and ſubjection beneath this, when ſuch an o yes is made for every man to take up armes, and to reforme what firſt comes unto his hand? nor is it a wonder to heare this from you; e're all be done you will ſpeake with a higher tone, even that the propriety of all goods is your owne: For it is your doctrine that wee have fallen from all dominion and right

to

to the creature by the mortall ſinne of *Adam*, this, ſay you, was reſtored by Chriſt, who reſerved the dominion to himſelfe (there your love to Magiſtracy) but gave the right to his children, the ſonnes of the Church, theſe whom the conventicle hath aſſured that they are marked with the white ſtone, you may therefore *poſſidere terram*, and who beſides you doe ſo, are but uſurpers. Yet give mee leave to wonder, if in a ſettled Church and ſtate ſome care be not taken to ſupreſſe this madneſſe, whereby every man is invited to a freedome and liberty of doing what his humour ſuggeſteth; as if this *Diana* of yours inſpired nothing elſe but phrenſie and rebellion: You will by this your exorbitancie, make the Biſhops enemies long after them, and while they are going out at doores, pull them backe by the gownes: in the time of their power, which of you durſt vent ſuch dangerous whimſies; now you teach us, that by one blow wee cannot lop off the inconvenience of Biſhops, and the inconvenience of no Biſhops, and that the greateſt danger in a mutation is that all daugers cannot be fore-ſeene: if this popular reformation of yours take root for Religion, Learning and civilitie, wee muſt content our ſelves with prophaneneſſe, ignorance and barbarity, nay, all the evills that anarchie and confuſion can produce muſt attend upon us. But the honourable Houſe of Commons, againſt whom by this reaſon you have taken up the bucklers, will provide for that fire, that gangrene of yours, which hath already inflamed the bed-ſtraw, and ceaſed almoſt upon the very heart of the Kingdome.

In your ſixt anſwer you'd delt your ſtrokes about you; your firſt blow is at the Liturgy; this you obſerve to bee popiſh in two reſpects.

Firſt, *in regard of the whole frame and matter of it, as being tranſlated out of the Romiſh Latine Liturgie:* But is it not the Romiſh Liturgie tranſlated? That is, are there any thing in the Maſſe Booke, which is not in the booke of ſervice? if

if your anſwer be negative, I leave you to bee hiſſed at; but if affirmative, What advantage have you gotten by this envious calumny? Doe you thinke we may not uſe what is in the Maſſe booke conſonant to Scripture, and pureſt antiquity? to ſay otherwiſe, were to deny the Lords prayer and the Decalogue, becauſe they are there: Indeed I thinke you intend no leſſe then a perfect reformation from *Rome*, that is, a flat denyall of all that ever *Rome* maintained, ſo much doth your new Creed proport: God grant you doe not deny Chriſt to be the Sonne of God, becauſe the Devills confeſſed him to be ſo. Tell mee in good earneſt, are you ſo ſilly as to conceive that there have beene Heretiques before your ſelves, who durſt adventure to have nothing common with preceding Chriſtianity? And why may there not be ſome few pearles in that dung-hill, the maſſe-booke? If theſe be culled out, and according to Scripture, and the beſt patterne of ancient Liturgies, moſt judiciouſly framed for the ſervice of our Church, what can malice or ignorance ſay againſt it? no greater errour in you, and our other enemies of *Rome*, than not to diſtinguiſh betwixt the purging of an old Church, and the building of a new; they upbraid us, becauſe they ſay it is ſo, you becauſe you thinke it is not ſo; all muſt be admitted from them, errours with truths, all rejected by you, truthes with errors: they deſtroy the perfection of the Scripture, you the being of the Church; you no leſſe enemies to the authoritie of this, then they to the beliefe of that. But let both of you roare like the Lyoneſſe bereaved of her whelps, and mixe heaven and earth together by your lowings, *Naaman* ſhall be the ſame man to us before and after his waſhing, wee will in deſpight of papiſts cleanſe the leproſie, in ſpight of you retaine the ſubſtance; you mention the late parallel, in a Mathematicall ſenſe, juſtly ſo called; for as Lines parallel cannot be in one point coincident: ſo neither the Service booke with that of the Maſſe: he is an ungratious ſonne

of

of the Church, who hath falſly invented theſe whoredomes, and they the unworthy off-ſpring of ſuch a mother, if they reſt unrevenged. Meane time what a death it is to thinke of the ſport and advantage our watchfull enemies will be ſure to make of our ſelf-confeſſion, that we have the ſame publike worſhip which in them we doe condemne as hereſie, as idolatrie? what exprobrations, what triumph of theirs will hence enſue? How ſhall we argue againſt them without beſpattering our owne faces in time to come? all our helpe is that the Treatiſe it ſelfe (the parallell) is ſo ridiculous a peece, that it will be thought the dreames of a ſleeping perſon, and (they ſay) *Dormientes non tenentur de jure*, we are not anſwerable for the fact. You tell us, you omit to ſay, what you cannot, you dare not ſay, all your frivolous exceptions are ſo fully anſwered by the learned *Maſon*, judicious *Hooker*, and others, that it will be three ages yet ere you attaine to ſo much judgement as to underſtand their diſcourſes: why doe you gull the world with theſe bravadoes, ſuch generall flaſhes, and when it comes to the cloſe, to the diſpute,

*——frustra comprensa manus effugit imago,*
*Par levibus ventis volucrique ſimillima ſomno.*

No word of you then: if we dare call the ſetled Lawes of Church and State in queſtion, we ſhall by the meaneſt of five thouſand in England ſtop your blacke and ignorant mouthes, and make you confeſſe, there is nothing conceived in that Booke which is not agreeable with Scripture, ſuteable to Antiquitie, and allowable by the confeſſions and writings of the beſt reformed Churches and Divines in *Europe*. And you Sir, who hath made all this dinne, how ſhould a man finde you out, either to convert you, or to be converted by you? your name it ſeemes was affrighted of the title-page; but it may be you had none, and that this libell hath been penn'd by you, in the *interim* betwixt your renunciation of that name you had from the *Church of England*, and your anabaptization.

You adde *there is vitious things* (*animus meminisse horret*) that runne thorow all the veines of the Service Booke; all the letters of the Alphabet cannot furnish censures *for this blasphemous Rabshakeh*; God rebuke thee Satan. Sufficiently discovered? by whom? in whose age? Did your Separatists ever produce any thing upon this subject, but lazie indigested fables, as farre from learning as their authors from sense. King *Arthurs* storie, a tale of *Robin Hood*, or the Bookes of Chivalrie, were ever thought more profitable *non-sense, more judicious stuffe*.

*Your second generall* respect is, The imposition of the *Liturgie* upon all mens *consciences*; let the matter be never so laudable, yet the manner, the imposition, is a wile of the Antichrist: Here I entreat *Geneva* to answer you, whose Church hath an imposed, a set forme of *Liturgie*, and whose worthiest men, *Calvin* and *Beza*, doe stoutly maintaine the Churches power in prescribing Ceremonies and Orders for Unitie and Peace sake: It were easie to have loaden the Margine with quotations, if I had not abhorred the ostentive foolishnesse of your sect. Who runnes may reade here that *in terminis terminantibus* you brand all superioritie Ecclesiasticall, whether of King, Church, or Parliament (for all these are included in this imposition) with the minsing titles of Popery and Antichristianisme; if this be the reformation you intend, that no law can please you, much good may it doe you, and those that desire it: I am confident the Church and State of England are not so wearie of themselves as to become slaves to your fancie; this perhaps may fit *America*, where there is no government at all, but how it may subsist with *a being of a kingdome* here, I understand it not. Popery (you say) is Antichristianisme, hence every Papist must be the Antichrist; nor stay you here, but bring the matter home from *Italie* to *England*, and tell us *by a necessarie consequence, that not Bishops onely, but all Superiours doe oppose and overthrow the Kingly office of Christ*, which is incommunicable to any creature and power in heaven or earth, *bona verba quaeso*. The Scripture you bring a *Ioh.* 2. is as farre

from

from the point as you from truth and judgement: Speake out, dare you ſay it in open termes, though indeed you ſay as much, that the King and Parliament, becauſe of the *Liturgie* impoſed have denyed Jeſus to be Chriſt? *Tiburne* for you if you doe. You indeed ſeem rather ſtained with this blaſphemie, who hath boldly and prophanely averred, that bowing at that ſacred name, is idolatrie, and (as you jeere with the bad thiefe on the croſſe) Jeſu-worſhip. But let me from your own principles uſe one argument againſt you; whoſoever preſcribeth to their people a ſet forme of prayer, doe Lord it over the conſcience, and are the very Antichriſt, but your extemporarie prayers in publike are to your people a ſet forme of prayer, you therefore are the Antichriſt. The major is your owne, the ſubſumption is proved by this inevitable dilemma; when you pray before your hearers, either it is at their mouth to God, or for your ſelves only: if you ſay the laſt, you contradict the action it ſelfe, your expreſſions, and the cauſe of your meeting; and if the firſt, muſt not the people joyne with you in word, or at leaſt, in thought? and is not this to bee ſtinted and tyed *to a forme* of prayer how raw and ſenſeleſſe ſo ever? By your ſole Law-giver, you expreſſe your thoughts of authoritie; you can heare of no generall commiſſion for ordering the Houſe of God as place and time ſhall require; but pardon me to beleeve the Apoſtle *better then you*, who hath not in vaine appointed this qualification, *Omnia fiant decenter & ordine*; if the Kings and States of *Europe* would bee pleaſed from this your text to learne what a moath, a cancer-*worme you are to all Superiorities and Iuriſdiction*, you would be ſent *novos quaritaros orbes*. *And for this cauſe the Pope, ſay you, is proved* to be the Antichriſt, in that hee ſitteth *in and over the Temple* of God, that is, as you pleaſe to Paraphraſe it, The conſciences of men: it had beene well you had ſpoken with application; you are the onely men I know, who muſt have *all mens* conſciences ſquared by the ſuppoſition of your owne. The will-worſhip you name is truely that you practiſe, that is, an affected contradictorious way in the ſervice of God to

Scripture, to Antiquitie, to the Church *you live in*, to Discretion, yea to Christianitie it selfe. If by a *Liturgie* devised by men, you understand mans devise, it is a grosse calumnie, a notorious untruth, not a syllable in that Booke, which is not either (as the greater part) the words of Scripture it selfe, or cleerely deducible in the very Phrase from thence; if your sense be, that it is imposed by humane power, you are no lesse mistaken; there is either a particular warrant from Scripture, or at the least a generall Commission granted for the ordering of the House of God, which extends to the full latitude of the Booke, if you had either impartialitie to conceive aright, or conscience to obey; but it may be you meane that men have contrived the Booke of *Liturgie*, so they have the Apostles Creed, which perhaps you for the same reason have rejected; nor was ever the Church of God since the first Congregation of the Jewes in a politicke bodie, to your last and worst dayes, without a publike forme of service and worship. We bid you therefore with Saint *Augustine*, *Erigere fastum*, and goe up to heaven alone, but againe, *Date veniam, nos non credimus*, that all the Churches of the Christian world have beene over-laid with Idolatrie and Antichristianisme, till this late one of yours.

Having choaked (as you think) the Liturgie with this illpeec't discourse of yours concerning the Antichrist, *your second onset is upon the Ceremonies of the Church*; these you say because of mans devising and imposed upon the Conscience are also Popery: you give no new reason, nor I any new answer, onely this, there is no greater errour committed by you Sectaries, then that because the Church of Rome hath thrust upon us some unnecessary, many superfluous Ceremonies, you would have the reformation to have none at all, not considering that Ceremonies as the hedge, doe fence the substance of Religion from the indignities that prophanenesse and irreligion oftentimes put upon it. Ceremonies though in the particular, that is, *This* or *that*, be not necessarie, in the generall they are; how long we are men, and do inhabite these our

dull

dull bodies, we had much need of some visible helps to stirre up our Devotion, and to give a being, a continuitie to publike decencie and order: It is true, the inward worship of the heart, is the great service of God, but *the outward worship of God, is the great witnesse to this*, whereby our light shineth to the world, that men may glorifie our Father which is in Heaven; now no outward worship without Ceremonies, they, the ancients (superfluity and Superstition laid aside) the better, so they fit time and place: for you, your are so spirituall, (though some think you no lesse carnall then your neighbours) I am afraid your Religion may evapour in words, turne in the smoak of a thin airy profession, and as no substance of good works, so leave no visibility of worship behind it; though now while the heat of a party keeps in the fire, you seem to have some zeal in your breasts, if you were settled on your dregs, and after this great motion returned to your cold blood, it is very possible you shall have no Religion at all. It were not hard to tell you here what happinesse Christians doe enjoy by the wholsome constitutions of a Church of Saints; what peace, what unity, what concord, what increase of all piety, and vertue from thence. And unity, if it be not nature it self, is in the first principle rivered by the hand of nature, no essence, no action without this; sickenesse and Rebellion, the two great confusions of the naturall and politique body do witnesse this much, no subsistence, no continuation of either, but by it first cause, a prime agent, even your disciplines must have unity and order in it, if it have life and motion; and this the more generall it is the better: Its true, the extention of good it not its touchstone, yet this doth not hinder it to be communicative, and that to the dimension of the body which is to be governed. But now the matter impossible is left in its own nature indifferent still, though not so in the practice, and why this very same restraint enlargeth their Christian liberty, for otherwise they would be in conscience obliged to abstain from every thing that the nice and

and peevish humorist should conceive to be offensive; now, being tyed by a Law, they may use their freedome, yea, must preferre a necessary duty to an imaginarie scandall. But this were to digresse, nor are you for such peaceable thoughts, for you love that order and not any beside it, that may be raked out of the ashes of Monarchy, but your late injuries meeting with its discretion will teach a necessity of foresight, not to adventure huge bodies as you are, *quia suo feruntur pondere*, downe steepe hills, that is, to your owne swinge. But you could soon reply to me that not to abstaine for every offence though in a case commanded by lawfull authoritie, were foul-murder, and against the fifth Commandement, and that the authority so commanding were Antichristian: which how it may agree with a Legislative power in King or in Parliament, and how comply with the Presbyteriall or Parochiall government more then with that of Bishops, I professe I do not understand, all superioritie, all imposition, all publique order and common decency is a popish and antichristian usurpation of Christs scepter.

Your third endeavour is against the discipline of the Church in *exercising the power of Excommunication*; this you prove to be another branch of Popery, because it is from the Church of Rome: you may with the same pains argue Christ and his Apostles to have been popish, who are the undoubted authors of that power, but you doe well to deny all censures, having already denyed all Lawes, Superiors, and Judges, least you might happen be punished for this contumacie. *You tell us of the Homilies*, and what doe you think are meant by the third mark, the true discipline there? it must be either this of ours, or that of yours: yours are not at all, that we have heard of, nor needs there discipline where there is neither Law nor injunction; if this of ours, the homilies stand up and witnesse against you: but your aime is to prove the Church of *England* by the book of Homilies to be no Church at all; I pray you, how were they Homilies,

but

but by the Church? this is to prove by a Church that we have no Church at all. a Logick indeed that beseems your conventicles, where *repugnantia in adiecto* is attended by willfull malice and grosse ignorance. Now, this cleer deniall of a Church, how agreeth it with your advise of reformation? *metus supponit non facit subiectum*, nor can we reforme that Church which as yet is not gathered together; I know by your breath you are an actuall Separatist, who have some years agoe condemned the whole body of this Church to hell and perdition, though now to insinuate your self the better you appear (as your master before you) sometime as an Angel of light. You adde the *not due Administration of the Sacraments*; Did you never think that rightly done, till in *Germany* the holy Supper (with all reverence to that sacred mystery be it spoken) was given by one of your number after some long winded orations from the back of an oyster board to his fellow sitting Communicanter in brown bread and small beare: It was say you, the pride and delicacie of the Antichrist, that first used a wheat loaf and wine, nor will you have us in this (though in other things to the very communicating in an upper room, as you doe, and after supper) follow the example of Christ, he, you tell us (*horresco referens*) was content with the ordinary and native elements of the Countrey, and so must we be too. But the Church of *England* doth no lesse hate the *absurd Popish Transubstantiation*, then your foolish sacramentary bare representing signes; both *sacrificall* and *Sacramentary* let them goe packing for her, and so that other Sacrament of Baptisme, though you have vainly nibbled about *the signe of the crosse*, (no lesse hatefull and Idolatrous to you, then ridiculous and shamefull to the Pagans of old) yet when it comes to the push of an argument, you deserve nothing but *Virgils* description of his evanishing apparitions:

*Ingenti trepidare metu: par stollere vocem*
*Exiguam: inceptus clamor frustratur hiantes.*

In

In spight of you and all wrangling opposites, the Church of *England*, as the purity, so shall ever retein her decency as beseemeth so high actions in dispensing these sacred mysteries. The restraint and edicts you complain of were much indeed against your Catholike gift of preaching, but now I hope you have repayed that losse, when not a Sow-gelder among you who makes not hold with a tub for his pulpit, *Dii, si quæ sit Cælo pietas quæ talia curet, persolvant grates dignas.*

The fourth plea is against the root of all bitternesse, the very heart and lungs of the Antichrist, the government of Bishops, each actuall mishap in them must be an errour, so will your Rabbies have it to be, who deeming themselves lesse in imployment then in merit, doe heartily rail against that which they heartily desire, the Rochet. This you say is *not of divine*, therefore it must be of diabolicall *institution*, can you give a reason of this consequence? yes, I will helpe your wit in, and from your owne grounds; all Lawes, impositions, superiorities, ordinances from men, are in your opinion, (and this is no weak one) usurped, tyrannicall, antichristian, and against the prerogative of Christ, who is *the sole Lawgiver to the commonwealth of Israel in his spirituall Kingdome*; these are your wiser religious thoughts, but what say you to your parishes, these were not instituted by Christ, here perhaps you will slip me and adhere to family, yea perticuall discipline, and withall bring your warrant for it, that *Paul* did send greetings to the Church in the house of *Priscilla* and *Aquila*: neither can I reach you here, I know not what customes you use in your christnings, what say you of meeting together in private houses, and expounding a peece of Scripture? for this you will alledge Apostolicall practice, and the same necessity, because of the persecution, and the same (otherwise the Argument were nought) infallibly too: what say you of the giving of the holy Supper to women? this sure you dare not deny, least the Disciplis punish you,

if

if I should remember you here of the baptizing of infants, the distinction of Apocryphical & canonicall Scripture, the Apostles creed, you would presently stifle me with the noyse of tradition, the first and last of those you have taken an order with, and for the other, you desire no more testimony from or of scripture, then your owne, that is, of your own spirit, you are so naked in your outward worship (as the wrestlers of old) it is impossible to lay hold upon you, and so grumbling against all church customs and laws (for what is not commanded in scripture is to you *contramandat*, and shall so be to us too if you grant a generall power, and rest not only upon particulars) that I can finde nothing materiall of publike order and decencie to lay to your charge.

I must therefore goe about to prove the government of *Bishops* to be of *Divine institution*, or nothing, and here I will take the surest way, that is to shew the Divine institution of *Episcopacy* from *Christ* himselfe, not from the precept and practices of the Apostles, else you would slip out of my fingers and tell me, that if not by the blessed Apostles themselves (as some of yours said) yet in their time this mistery of iniquity of Antichristianisme, did begin to worke. My assertion is therefore and with better ground then your denyall of all authority, that the apostolicall office it selfe, in its proper & *reciprocal* acts, was nothing els but the *Episcopall* (I see you startle & chang your complexion) as it is now a dayes exercised in the church of England: whether the ordination of that function was, *Joh.* 21. 15. or 20. 22. or as others, more probable by these words, *as my Father sent me so send I you* in the same place, and at the same time were *Bishops* ordained: These are the Apostles successors *in esse et ex solido* in all things that ever was assentative to their office; as to call the Disciples and elders of the Church (not theirs who come with swords and pistols to maintaine the truth) together, *Act.* 11. 2. 20. 17. &c. or divine *Presbyters*, *Act.* 14. 23. to give direction for Church censures 1 *Corinth.* 5. 5. to make lawes and canons Ecclesiasticall. 1 *Cor.* 11. 2. to require obiservation of the same 1 *Cor.* 16. 1. Now the gifts of immediate

 calling

calling *universall commission*, *infallibility*, *tongues*, *and miracles*, were doubtlesse, in the *Apostles* not officiall, but personally only extraordinary, and for the employments of the time; neither indeed can that be called apostolicall, which is not proper to, and convertible with the Apostles, but all these extraordinary inducements were in others besides them, and in the Evangelists, in *Philip* the Deacon, or in the Disciples, though not all of them in every one of these. So nothing essentiall to that office *in constituendo*, but the Acts of *Ordination* and *Iurisdiction*: these the Apostles as Apostles once had, and these by the same right of Institution, transmitted by the succession of manynges to the present Bishops. I see you angry at this (*stant Lumina flammæ*) and it may be it may doe your good, if you shall happen to empty your stomack of some loathsome humors at the view of this position, nor have you a possible way, for all your windings to get about it, unlesse you either maintaine that the office of the Apostles, in its very essentialities was extraordinary (and then no office, but an inducement, a gift) and nothing usefull for our times, which your Schismes, as many of them, as you are of men, will not suffer us to beleeve; or that each of you, and not the Bishops onely are the successors of the Apostles, and then would we gladly see you give Imposition of hands (as they did) and pronounce the sentence of Excommunication; without the consent or assistance of your lay-brethren, and inspired-parishoners, but you divide the coat, seemlesse before, betwixt you. You have better right, I thinke, to the extraordinary gifts, as that of immediate calling, when you dispise the Orders of the Church, & tel us the Imposition of hands was the ceremony of a miracle if you can presume upon your abilities, and obtaine the hummings of a factious congregation, you have your calling, and are sent by God: that of universall commission, when the reformation of all Kingdoms is alike to you; Parishes must confine the single gifts of others, but a whole nationall Church, not your double qualifications; that of infallibility, when you obtrude your sense of Scripture; the Fathers are

but

but dull tapers to your bright stars, they more of kinn to the Antichrist than you; if you thinke you have found a text for it they (good men) must be Heretikes, no more dispute, you cannot erre, that of miracles was never more beleived by the popish ridiculous Legends, than by you, *Johannes de Vorug*: fained something that deserved the name of a wonder, but your Rabbies, to the laughter of the hearers, content themselves with each common accident,) this they will have to fall out by the strength of their prayers, either for the confusion of the reprobate, as they call them, or the furtherance of the good cause; nor are they satisfied to give (which every Christian must and should) the determination of all successes to Almightie God. but they in a presumptuous holines will be upon his sacred counsels, prey into his secrets, and boldly designe a particular end for his divine providence in every thing. Only the gift of tongues, I cannot tell how to fix upon you, and withall not polute you with (which God knowes you are not guilty of the language of the beast). You see how I have not troubled your conscience with Timothy and Titus? (and there shall be still Bishops to me, while you prove the circular and monethly changes) I have derived the originall of Episcopacy from the Apostles Office, not their authority? Doubt not therefore if Bishops be of divine institution, unlesse you doubt if the Apostles were so, or because of your love of parity you thinke them of that same order with the seaventy Disciples, deny if you dare that the institution of our blessed Saviour *Jesus Christ* were divine, and I give you the bucklers, as to *negantibus principia*. Thus have I flourished with you, it were a shame to bestow a blow in earnest upon such a poor smatterer as your selfe. I have ever thought it the best refutation of you and of your cause, to lay your foolish impertinences open to the eye of the world, then I am assured onlie these who love to have their braines suspected, would give you the least approbation.

You finde in the administration of the Episcopacy office the perfect image of the papall beast from horne to hoofe; but stay and take it home to your selfe, who are the only beasts I know

 amongst

amongst men, if irrationality and passion, can argue want of judgement, and turbulency in affections, your plurality of marriages (the old licence of the Germane Anabaptists) your love Feasts, your night meetings can abundantly witnesse this; your absurd simplicity and ignorance in this and other your libels give testimony of that, it is not altogether a mistake of religion but *aliquod naturæ vitium*, a *hypocondriacie* a fault in your braine, that causeth your ravings (hence I incline to thinke this humor of yours may be epedemicall because of some influx) & this to be a *physio legisti* transformed (as the life *quoad actus secundum*) a man in a beast. But I have mistaken you, all this time you mean the papal beast the Antichristianisme, I pray you if his definition can fit you, who sit in the house of God and oppose them (Magistrates) that are called Gods; only in this you differ, that Gods house is mistaken for your owne; nor shall we want an individuality, it is no lesse in the unity of your covenants and oaths of secrecie, than in the successive race of the Bishops of Rome. You are pleased to call the ministers a dumbe preisthood, a mockery: what disgrace is this to the Church, to these that have baptisme from her, or doe expect salvation in her? You have indeed named them bald-pates, with those ungracious children, but take your seat for it in the first Psalme, and there stay for your punishment. Doctors with us and Priests doe pronounce the sentence of excommunication, and with no more indecency, we thinke, than if some reverend Cobler, or inspired Burton maker did the same; give me leave to remember you here of the late schisme of your congregation at *Rotterd m*; they upon debate were divided in two bodies; each of them was the supreame Church of God upon earth, and each of them gave commission to an honest Weaver to excommunicate the other; this cannot but please you well (though your discipline cannot) because there is neither reason, nor order in it.

I thinke it strange, that you who deny all outward calling except that from the people, should think the Curates, *None of the Ministers of Christ in that they derive their ministery from the Antichristian Hierarchy*, if no orders be necessary, sure a

mistake

miſtake of orders cannot be much prejudicial. Hence let the world judge how both theſe malicious factions ſpend their fury upon the Church of England; the papiſts object that ſhee hath forfeited her ordination, you that ſhe hath one, but the papiſts they tell us we are noe Church becauſe we want a Prieſthoood, you, becauſe we have one: They will here of none but a Monarchicall ſubjection, you doe eſtabliſh a democracy in the Church or an anarchy rather; they complain of perjury, becauſe we refuſe to maintain their orders (as if who amongſt them had ſworne canonicall obedience to a hereticall Biſhop, were obliged to be a heretike) you of the want of purity, becauſe we doe not renounce all continuation and orders of the Church. In ſpight of you both ſhe ſhall ſtill maintaine a viſible ſucceſſion in the miniſtery from the very Apoſtles times; may not the Church of Rome though in her old age more fouly, give baptiſme, and may not this warrant the derivation of our orders from her firſt and better times? but I crave you mercy Sir, this argument doth not concerne you, who not after the Church of Rome only, but alſo in the Church of England, doe rebaptize. You frame here an objection to your ſelfe concerning the antiquity of Arch-Biſhops, & Dioceſan Biſhops (this you adde to diſtinguiſh them from the ſo of the late edition for pariſhes) and how doe you anſwer it? Firſt you tell us they were not knowne by the primitive Fathers; but this is as groſſe as to ſay the primitive fathers did not know themſelves, whom we undoubtedly know by a morall beliefe to have beene Biſhops, as we doe that the *Saxons* did here ſucceed the *Britaines*: ſcarce a leafe in the Councells, Fathers, and Church hiſtories that doth not ſpeake this for us. Secondly, you tell us that government was corrupt even from the well-head, but ſince I have proved to you that this was Chriſt (the Apoſtles you will venture upon) I hope you will mend your expreſſion, and retire.

Thirdly, you will have this government a limbe of papacy, and I dare boldly ſay it, there is nothing more deſtructive of it, for to maintaine that every Biſhop is *de jure divino* (as you in the ſame place grant that the preſent biſhops of

of England do) is not only to deny all dependence from Rome but to give her her deaths wound by lopping of the prerogative whereby she subsists; for by vertue of this, appellations come to her, dispensations from her, exemptions of universities and religious houses (the maine pillers) which if the bishops of Europe by man-seeming there office to be *de jure divino*, would challeng as an usurpation, her borrowed fath as might; perhaps returne home to the first owners. You say *the Pope and the Bishops of England hold their authority by the same title namely from Christ*, so I hope doth the meanest chimney-sweeper amongst you his calling to preach, to expound scripture, to give the Sacraments, and yet will be offended, if you think him or his argument popish, though the Pope of Rome doe the very same here, like your selfe, that is, a very compound of absurdity and boldnesse, you mention Doctor Hall, and his learned paines: out upon thee for a fool, and a babler! The workes of that reverend, painfull, and judicious bishop, shall be entertained by the posterity, with approbation and thankfulnesse, when the better times shal hisse thee and thy associate out of the Church; the quintessence of you al do come short to the meanest croatchet of his learning, judgement, integrity, & eloquence; nor shall these your calumnies be ought els to him but *stigmata Laudis, cicatrices* to testifie his conscience and resolution, who had the courage to set his face against you the *Amalakites*, when others turned the backe. For *Rocklington* his very citation refutes you; you say he failes in that he cannot prove Romes succession from Peter, and yet you have said, his assertion is that he proved Saint *Gregoryes* succession from *Peter*. But I forgive you, you knew not before now you read it, that *Gregorie* was bishop of Rome. Now, what if I should teach you, that we in the Church of England, perhaps have neither Christianity nor sacred orders from Rome, sure the first we had not: for by the observation of Easter according to the tradition of the Easterne Church (To let the tale of *Simon Zelotes*, and *Ioseph* of *Aramathea* passe) it is most probable this Kingdome had the blessing of the Gospell from the Disciples of *Iohn*: if after the Saxon devastation we were

restored

restored by Rome, in some parts of the Island, the Northerns at the same time, were converted to the faith, by bishop *Aydanus* from Scotland; as *Beda* mentions *Lib.* 3. *Cap.* 3. But this discourse is not for you, who in the preceeding page hath prophainly called the Ministry it selfe a peece of Popery, whether from Rome or not is all one to you, such is your superlative hatred against all order. Give me leave here to slip out of the way, and meet with a friend of yours, the Author of *The Petition for Bishops examined*; this man tells us our *Arch-Bishops*, and *Bishops* were substituted to the places of the *Archflamins* & *Flamins* of the heathens, this is a new conceit, that Bishops are not from the new, but old Rome, not Antichristian but heathenish. Here for all the grace you bragg of you may learne of nature, that not the least shew of religion, except this mad one of yours, can subsist without its cement, this harmony, the subordination in its office bearers. But will he have the Bishops heathenish because they enjoy the roomes designed for the residence of the *Flamins*, and are we not all Papists, yea Pagans, because such did once inhabit this kingdome? Now I smel out the reason why you perswade so vehemently the pulling downe of Churches, it is because of some inherent wickednesse in the place. He saies further that the first foure or five hundred years there was *Bishops* in *Scotland*, but that (as he cites *Ioannes Maior*) *communi Monachorũ regebantur Concilio*, but their histories are there for it, that *Amphibalus* was *Bishop* in the Isle of Man An. 237. and for some 100 of yeares after the Monkes were not so much as reckoned among the clergy, much lesse had they dominion over them.

In the close of this answer you are assured that the Government is protested against. If such a worme as my self might presume to speak of that Honorable Iudicaturie and the protestation made by it, I might upon better grounds argue, that you and your sectaries, are within the reach of the same: my instance shall be in one point (when I might in a hundred) that of *Magistracie*, your doctrine concerning it, is point-blanck against the doctrine of the Church of England, the Kings honor and estate, the power and priviledg of Parliaments, and

that

that for to use your termes, deserveth to be cut off and cast out as a fruitlesse withered branch, and to be plucked up by the roots as a tree twice dead, and as a plant not of Gods Planting.

Hitherto I might have taken you up by some paines, but now you passe all understanding: fall you once upon the businesse of reformation, you rave perfectly, like these Lunaticks who will perhaps speak sense, doe they encounter with the purpose that first chased them out of their witts, then streight they run out. Sir, by laughing at you, you have spared me the cost of Physick for expelling melancholy. Your first assertion is that it will be impossible to constitute a nationall Church agreeable in all points to the visible Congregation of Christ: here you no lesse crosse the Consistories than the Bishops; and therefore it shall be convenient to leave you to their refutation.

It is your bragge, that there is many thousand Saints, whose hearts are perfect before God, that is pleasing to you: and shall these empty Pitchers, these factious lights, these trumpets of intent, multiplyed to make a noyse, affright the Kingdome? I dare say, that if from your party you deduce mad men and fooles (and none of these, are men envied) with such as love for their owne ends, to fish in your muddy waters, scarce a *number, yea scarse an unity* shall remaine; though you try the Sword of the Lord and of *Gedeon*, as a friend of yours did in another Kingdome, the Church and state of *England*, will ever have prudence to detect your *Stratagems, and courage* to award your blowes. What you meane by defiling of garments I know not, but I know you have lately provided against that by your naked *meetings*. Now you speake plaine Language in perswading a separation, and, forcing us to believe, we are in no better condition than those Heathens to whome the *Apostles* first preached *the Gospell*; *for you tell us* the *Sheep must be called forth, and gathered into Christs Folde*, and that it is a strange speech be you separate. You therefore will begin *ab ovo*, and call together the Holy ones, to make up your new household congregations: but how shall these be discended? Onely by the infallibility and presumed omniscience *of your spirit*, that of Errour, not that of *truth*; *you onely know these few names, and here you tell us* that scarse a number shall bee found to make up these holy meetings, what? *are all your thousands evanished*, you boasted of in the last page? *oportuit mendacem esse memorem*, but I take you at your last word, *if there be so few* (*as you profanely abuse that Scripture*) marked with the white stone in his Kingdome, pray you spare us the paines of Separation, separate your selves for some new colonie in *Virginia*, and trouble not your pates about unpossibilities; would to God you would leave us, or your madnesse you, and then both of us should be at rest. Now let the whole world judge if you be a fit man to usher in a *reformation*, and thus boldly to thrust your impious sense upon the protestation, (made by the most honourable *Parliament*) whose head is fraughted with such whimses, and who can heare of nothing but the gathering of a new Church in this Kingdome. And if we all had made a *totall apostasy from the faith*; *we should descry you blasphemously as the Apostles did when*

*they came to plante Churches* in a Country where the Gospell had not beene formerly preached; not your eares, but your neck is in danger for this.

*But what answer you to the question*, if they have not received Baptisme? Or are they not Christians? Here something sticks in your *throat*; *you answer negatively, by an equipollent Metaphor*, that the lame and blind are not to be offered up in a Sacrifice to the Lord. Do you thus tempt the patience of the Prince and people? Is it nothing for you to object *Paganisme* to them at every word? To call them profane, ignorant, unbaptized, unchristian persons? This were intollerable to any free soule, and must induce all those who have the smallest affection to generosity and Religion, to provide a way how such monsters as your selfe may be kept vnder.

You goe on, and tell us the godly may not communicate with the profane. *Quo Donatenses?* are not al profane to you, that are good Church-men and obedient Subjects? And must *all those fall within the* verge of your excommunication? May we expect, *dum vitatores sumus*, your contemplative perfection, or that the wheate shall be here without the chaffe? And know you what iniquity some of your holy Sisters might have committed yesternight? if you communicate with them, doe you partake of their profanation? It may be you have so before, nor is it a sinne in you or her, but an oversight: I see there is a necessity laid upon us to search the hearts of men, to have their brests made of christall, to finde out their very thoughts, else no fellowship, no communion. But if every knowne sin be every mans, where is Christs burthen? What difference put you betwixt the head and the branch? Others uncleanneſſe can no more defile you, then your holineſſe excuſe them: if you be for this separation, you must either flye out of the world, or your flight is in vain; the best metal here hath its drosse, the best graine its ostall, there is need indeed of a Fanne, and a Furnace, but not that of yours, destructive, not purging.

Nor stay you here, all are *Dogges* and *Swine* to you that will not be of your kennell, nor wallow in your Puddle: so your *Founders* the *Pharisees* upbraided *Christ*, with the name of a Wine bibber, and said he had a *Devill*, because he haunted with sinners and publicans, while they themselves cleansed only

onely the outside of the Platter, beware of this woe. *A little Leaven leaveneth the whole Lumpe*, never better knowne then of late by you, what couzenage and hypocrisie have these yeares by-gone hid up in the *Masse* from the eye of Discipline; none must come to the *Passeover* except your selves, who have not washen your hands in innocency, but your tongues in the gall of *Aspe*. You seeme to speake *of knowne evill doers*; if you meane such as are under the Churches censures, you fight against your owne shadow, none such are admitted to partake of our holy mysteries; but if you understand, as you doe, those of a contrary judgement to your selfe (for it is the first, and your fancie about that, not the second Table, all this time you respect) we pray for your health, and doe protest against your madnesse.

Now I have found you out

*—— Qualem primo qui surgere mensis*
*Aut videt aut vidisse putat per nubila lunam.*

And know how to take a direct aime: the reformation you aymne at is shorter laced then either consistories or parishes, *there is a necessity of setting up other Congregations besides these*; here your intent is to have all reduced to families, old *Nab* must be your Doctor and pastor, his wife *Tib* your diaconesse, his Sonne *Dic* your ruling Elder, and the serving man *Will* your Deacon: a pretty Church indeed, *and where none are to be admitted but such as are approved by the whole assembly*; he And his household, the supreame and only congregation upon earth; not any beyond it in purity, above it in jurisdiction; no more contest now for consistories, or Parochial Churches, you for the avoyding of prophanenesse have assigned us a lesser circle — *ipse rationem contra subigit* — all will be well and you be at the Stearn. Is this your modell, your patterne of reformation? It is so, ridiculous children will point at you and it in the streets; if not for Christianity, yet for shame take abstaine from such motions for the which the enemies dreaming you and the Church of *England* to be concentrike, name us no more *Heretickes*, but mad men: nor are you lesse dangerous then they: the innocent Sheepe are no lesse terrified by the barking of the dogs within, then by the handling of the Wolves without; my very soule bleedeth to thinke what discouragements you give us at home, what ignominy, and

scandall, and disgrace you are to us abroad.

But you proceed and tell us, *If there must bee a national Church, let not this exclude and barre out the free use of congregations.* Here you play the Libertines: give you freedome, and you care not what religion is at the next doors: this is the *Golden branch*, let you once see this, though your mouths were as maine and wide as these of *Cerberus*... *tumida ex ira tum corda recedunt*. This is indeed the confusion your parity aymes at, that every man may do what seemeth him good in his own eyes: now let any Christian judge, whether it is your love to purity, that perswaded your Separation from the Church, now your reformation of the Church, or your desire of license, when, if that be granted to you, you are willing to be dayly spectatours of the Antichristianisme and their patron (such is all to you beside your sanctified Conventicle) of a national Church, *Order as they call it*: and how doe you? You have no use, no name for order at all: all beside your humour, *though prescribed by the state, must be order as they call it*: this is your respect to Parliaments, you are the onely mouths, I know, of all power and Iurisdiction. Nor must the *consciences of Gods people* in things indifferent for order and unities sake, be regulated by wholesome Lawes; when every mans conscience must be tyed to yours in the very principles of religion; how farre they decline from this, so farre from purity, from salvation: without this no admission to your society, to your communion, nor (as you will have it) to the Kingdome of Heaven. It is said of *Aristotle*, he disputed against monarchie, least any beside his master should affect that, just so you against government, when you are the hardest Tax-masters, the most curious searchers of opinions in the world, nothing can passe your censures (and that as either to be saved or damned) which is not borrowed from your selves.

You wil have us to believ, that though you arein, yetyou are not of the world, you, good men, are *separated from the World in the corruptions thereof*; whether is this that you cannot sin, or that you do not sin, whether boast you here of your opinion, or your practise? If the first, take it with you, and that of the *Apostles*, when you say you have not sinne you are lyers, and the truth is not in you: but if the last, I will tell you, you are now too grosse not to bee discerned, all your figge-

tree

tree leaves, of Purity and reformation, will not cover your nakednesse, violence, rebellion, deceit, cruelty, dissimulation, wrath, incharity, in a word all the titles that attend you in the first page, are your individual Lackeys, and doe your best, will acknowledg no other Master; I have knowne men of honest civill dispositions, ere they joyned to your sect, but then, as if Sathan had entered with the Sop, immediately became proud, testie, hollow-hearted, and whose charity dar'd not so much as extend it selfe to the respects of nature or acquaintance: these in the Children of disobedience might be accompted sinnes, what they are in you I know not; it may be, as by the accesse of trueth and light, your natures are essentialy changed, so the qualities and viciousnesse of your actions. But I have mistaken you all this time, it is a Separation from the world in Doctrin, not in practise; you intend you are as farre from this, as you are from *Rome*.

Meane time you beare us in hand you are not Separate (and woes me for it) *from the civill state, but are peaceable members thereof, subject and obedient to all good, and just Lawes*, how long they may happen to fit your itching humours; go beyond this traine, the Laws will be neither *good* nor *just*; you must have the power to interpret them, as you have the *Protestation*, and thereafter obey not them, but your fancy concerning them. Here you bring in your *fulminatrix legio*, as if all we were Pagans about you, what your prayers have procured to us, let these last thundring dayes witnesse; the almost ruines of a poore Church by your Schismes, wil testifie it to the succeeding ages.

The Apostle indeed *exhorts us to pray for Kings*, your hearers know how you obey this exhortation, when by your praiers you teach them how to suspect their *Princes* of Luke-warmenesse and oppression, in your wavering

petitions to God for their reformation, their amendment, as *Ioab* did to *Amasa*, you ſtab their authority, their reputation, beneath the fifth Rib. But if it were not *proprium convertibile* with your Sect, to make bold with Scripture, I could fit you better with texts, and tell you of a *Miriam*, who ſaid, *hath the Lord ſpoken onely by* Moſes, *and not by us alſo?* and of a *Core* of whom you learned your Dialect, *you take too much upon you, ſeeing all the congregation of the Lord are holy, wherefore lift you your ſelves above the Congregation of the Lord?* But you are worſe then both theſe; no ſpeech by *Moſes*, as by your ſelves; not all the Congregation of the Lord, but onely you are holy. I will therefore aſſigne you a third, that comes more home to the point, *To your Tents O Iſrael, what Inheritance have we in the Sonne of* Ieſſe? *validior eſt oris quàm operis vox.* Let the condition of the times, your defections, your ſtirres, ſpeake for me the truth of the matter: if the Parliament ſhould give eare to your deſires, Royalty might ſeeke a Patrone amongſt the *Nominaliſts*; you would ſoone finde that burthenſome that is not profitable, and at the laſt anſwer the charges of the crown with a *Quorſum proditio hæc?* You make too bold with *Domitian's* example; bleſſed bee God for it, we have none ſuch; *no edicts come out for perſecution*; but it is cuſtomary with you to compare King and people to Tyrants and Heathens. You tell us here of protection and tollcration from civill ſtates, what if you ſhall imagine, as now you doe, that this reciprocall dutie is not ſufficiently afforded you? why then have you not onely *jus determinationis*, but *Vindicta*, you may judg betwixt you and your Prince, and thereafter your rebellion is but a holy Warre; for the maintenance of religion you may doe any thing. This is a ſummary excommunication of yours; and the Martyrs of the Primitive times were but Dunces, that could not fall upon it:

Kings

Kings have no more certainty of your obedience, then of your humours, your mutations, at the first change of the Wether-cocke (and you are no lesse moving) or Information sent you from *Amsterdam* of a designe against the religion, *omnia sursũ, deórsũ miscentur*, all is turned topsie turvie. Doe not therefore offer us Sugar for your Pill: we are not so purblinde, but we doe perceive the naile in the blue hand, while you carry Milke in the other hand.

Now when you have drained us of all discipline and unity, how *proceed you against the fomentation of envy, and faction in the State?* you give a bil of divorce to all Ecclesiasticall, and a seeming power to civil Lawes: *these* say you, *may take order with transgressors*, but with the proviso of *incorrigibility*: and can there be any such in your *exempted Congregations?* This is either against your doctrine of *admission* or perseverance. But let no man blame you before they try you: do you deale so with others? no, that were a suspition of charity, or a remission of zeale in you. *Quod tibi non vis fieri &c.* is a precept too practical for your contemplative faith, what accusations from you of *Apostacy*, of *Treason*, of heresie, upon suspitions, probabilities, and consequents? Heare you of preparation for Warre? It is to bring in Popery. Of the ornation of a Chappell? it is superstition. Aske you how you know this, you reply, the thoughts and intentions of the men are not upright, and is not this without tryall to judge the minde? Whether is this a trick of the Antichrist or not, an usurpation of Gods prerogative? but you have made too bold with infallibility to forge this priviledge, without this fewell your calumnies (the very life of your Sect) might be soone starv'd in cold bloud. Nay how blame you a whole Church and nation? is there a corner in all this Pamphlet of yours which is not stuft with accusations of a totall apostacy and prophana-

tions

tion againſt her? Her doctrine is Idolatry, her diſciplin Antichriſtianiſme, her religion at every turne, compared with heatheniſme: but *the eye that mocketh his father and deſpiſeth the government of his Mother, the Ravens of the River ſhall pull it out, and the young Eagles eate it.*

That old ſtratagem of Sathan, you have executed handſomely this yeare againſt the *Biſhops*, and with as great moderation as he whom you name did, *Nero:* they poore men, are by you made the gate to disburthen the people of their ſinnes; and will that ſlaughter on too if you can accompliſh your ends, but it is their, and our comfort, that he who hath let you looſe can caſt a hook in your noſe, and chaine you againe, the *Divell* cannot ſo much as enter a heard of ſwine without permiſſion from Almighty God, you tell us *the Goſpell, that novum Evangelium of yours*, will kindle Coales and ſtir up debate, and for all this the Civill power may not caſt you out, nor can without much faſting and praier, you then (it ſeems) and religion are convertible tearms, but ſee how you deale with us here; ſhall we ſeeme profane to you, you muſt ſeparate from us, ſhal you be troubleſome and contentious to us, we not from you? This is your Legerdemaine, your *Hocus Pocus* whereby you delude the people by this you intend to blindfold the ſtate, and toſſe the whole Kingdome (with reverence be it ſpoken) like to an old Beare tyed to a ſtake. Kings you will have none, unleſſe they bee made by your ſelves, as he at *Leyden* a one may give you, the Sonnes of the Church, that which is yours, the fat of the earth for others, they are children of *Belial*, all both Prince and People have forfeited their right, their dominion in the Creature, and never as yet reſtored, becauſe not of the Reformation, onely you whom the Conventicle hath aſſured to bee of the faithfull, have the liberty of the Goſpell.

You

you may therefore freely, and with a safe conscience reject your King, and deceive your neighbour, and think it no more sinne, then when the Israelites revolted from *Pharaoh*, and borrowed the eare-rings of the Egyptians; your bondage hath been the same, and your warrant as particular, if we may beleeve you; nor doe the coales you talke of burne no heigher; you are as peremptory in granting rooms in heaven, as you are in giving peace on earth, to them you are pleased to call hereticks; and yet not the lesse for all this, the Hare must nourish you in her bosome, though your errand be *then to suck out her heart blood.*

For your next doubt, that your perfection will be envyed, it is of your own making; there is none who knowes your conversations, can Justly charge you with popery, *that you* intend for heaven by good works: but if *you had not* added purity (which with you is only Speculative) to your perfection, I might have suspected you of the three vowes, which falsly march under that name; though your *many* wives, *and large* usury may *serve to* purge you from that of chastity and poverty; and for that of obedience you may very well take it in the negative. You call your way of devotion Christs sweetnesse; spare, I intreat you such appropriations; your works must not ever passe as the works of God: lest as you else where make him the author of sin, so you may thrust (with all reverence be it spoken) violence or dissimulation upon him; and is not this to lay a ground work for Atheisme, when you preach and practise contradictions? and yet will have your credulous hearers (who have pulled out their eyes for you) conceive, that all you speak is from above?

Now fall you downe againe upon the parishes, and maintaine a necessity *to Seperate your exempted congregations from them; no minister you say*, will be so unchristian as to envye this: *perennt civili vulnere fratres*; each of you hath his sword in his brothers side. When will you agree among your selves? it seemes you are erecting the Babel; you so much talke of; if the confusion of *tongues*, hearts, and opinions be suitable to the work; one calls for *an elder*, another *brings a widow*; one will have a parish, another a family; one for the separation

another against it; This man that the Doctor is an office-bearer, this that he is not, he for a diaconisse, he against her: one sayes the Doctors may excommunicate, *another contradicts that*; he gives the right of prophecying to the inspired-lay-elder, he denies it; another *denies all* Church superiority *and jurisdiction*; he maintaines it in a Presbyterie, this man in a parish; —— *non si lingua centum, oraq; centum —— ferrea vox*, and yet all of these (*mirum dictu*!) leaning to the like immediate, the like infallible revelation; neither learning, Church, nor fathers, must assist to find out the genuine sense of Scripture concerning any of these. The Poets tell us that the mistaken History of Babylon, was Θεομαχία, this in a twofold meaning, may be so. Settle the busines among your selves, and say (you who maintaine the discipline and government of the church to bee so cleerly and perticularly set down in Gods word) hitherto shall our proud wits (that casteth up dirt and myre continually) come. Then it is posible we may joyne with you, and that safely too, because you are no more your selves, if you once but listen to unity and concord; but this were dangerous; agreement amongst your selves might at the last end in the Monarchicall *government of the Church of* Rome; your purity, and peace are *compositio incompositibilium*; and that is even what you are in your most formall essence, a very notion of the braine, Christ told us in his apologie for himself, that the old serpent would not have *regnum in se divisum*, his poyson is yours, not his policy, *you are not so far learned yet. In the close of this* answer you tell us, that your *independent* congregations will not plead for tithes: Now you take the title of independence upon you, from church and state; such is the liberty of your familie meetings; Nor will you meddle with tithes, this were (God save us) to Iudaise. It is your custome to ingratiate the people to you by preaching sacriledge, rebellion, and usury; King, Preist and people are too cheap sold for your 5. s. freewill-offering. Nor shall you thus avoid the reward of Balaam; your *purchase* it may bee is as good as the set rent of others; to live *by the* chimney-corner is sometimes as profitable as to live by the Altar: Twenty or thirty pounds of collection is a mean reward for some of your household lectures, even for one exhorta-

hortation, if ſome godly families about midnight be pleaſed to joyne themſelves together. That peece of Scripture is practically yours indeed, *Godlineſſe is great gaine*; nor muſt the good women (the conceit of whoſe devotion is meaſured by their reward) want their oblation, though they ſhould borrow it from the Pockets of their ſleeping husbands, or ſend their cloathes to *Long-lane* to fetch it: *not many wiſe*, you can tell us, theſe are likely to detect your Knaveryes, but as rich as may be, they will drop the more oyle for your zeale, and you out of your Chriſtian pitty will adventure to disburthen them of part of their goods that they may have the more eaſie paſſage through the needles eye. your ſmall tithes you gather them *ipſa Corpora* at your chamber Conferences and long feaſts, which you repay with as long graces, praying to the extent of your belly, where not a morſell may paſſe your cenſure if your hand be not in the diſh; faſtings, unleſſe it be with the Manichæes upon the *Lords day*, fall not out in your Callendar till the 32 day of the moneth.

The Parliament you tell us *is about a reformation*; a glorious work indeed! God proſper them, and ſend it us, to the rooting out of you and all who have wrought our unquiet and troubled the peace of Iſrael: theſe Convulſions and renting paines, which in a part, you to the horror of every Chriſtian ſoule do ſtir up, admoniſh us what humors, what obſtructions are yet to be purged: but under favour you muſt not preſcribe the Medicine, ſuch a meaſure of acrimony ſhould then be adminiſtred, that not the diſeaſes only but the vitall ſpirits might readily be exhauſted; you are a part of *our conſumption*, and in ſuch a caſe ſtrength not weakneſſe is to be ſtudyed, whereby the kingdome may worke out the malignity of the ſickneſſe. But what reformation do you conceive? when ſhall you make a ſtand? muſt every yeere produce you a new religion? every moneth a new faith? nor ſhall the Rabbyes of the next moone, be content with what you doe, a new inſpired-elderſhip upon a new pretended revelation will perhapps demoliſh this Platforme: you have indeed reached home to the firſt, the Patriarchall, each of them were Prieſts to themſelves, ſo you; thus it was before the law, before ceremonies were in

cuſtome and therefore is the only meane for you, who are without all law, to reclaime the Church your houſhold from Ceremonies.

You perſwade your ſelf, the Parliament wil remove that government you name Hierarchicall, and we hope it wil not; you indeed labour what you can to throw ſparks in the flax to put the kingdom in a flame, that you may ſee to finde out Popery, or rather the treaſure and revennues of the Church, hid up in the time of darkneſſe; hence your zeale is active, yea ſo hot, that it is ſtrange that it melt not the plate, the bells, the very lead of the Church into coyne. But thoſe of that honourable that religious Iudicature are lately taught by your madneſſe, that eſſentially to change the preſent ſtate of things, were no leſſe preſent death to the ſtate, then to open a veine and diſable nature in the highth the rage of a *feaver*, If in the time of your ſeeming interdict, you have been ſo exceſſive, how ſhould we find ſuperlatives to expreſſe your carriage, if the Church Government were totally removed? ſure no more difference, propriety, nor diſtinction of perſon, things, and conditions, ſhould be left amongſt us Then if that dreame, that *Idea* of *Platoes* were made reall, did you imagine theſe noble and conſcientious Pilots of this great body would reſigne their preſent tranquility, for the fancies of you, diſtempered Humoriſts? nay though they ſhould (an impoſſible ſuppoſition) God himſelfe would preſerve ſome order amongſt us, leſt the Harmony of Nature ſhould be diſſolued by you, and all reduced to the Mother, Chaos. Goe therefore with this your conceit to *New-England*, there convert the Americans from Popery (every thing beſide your owne opinion is ſo to you) we hope never to ſee this confuſion of Government, this parity of beings, this annihilation of lawes and Magiſtracy, you bring along with you, received with any thing but laughter and deriſion in this kingdome. It is true you have ſome reaſon & no more to brag of your connivance hitherto; nor is it wonderfull (that is without a known cauſe) though you would bear the world in hand, that as your knowledge, ſo your helps are immediately from heaven: it wil be poſſible to tel you, what *angeli motores*, what great agents have turned the ſphear, and racked

their

their heads, if not their consciences (these I know they have, I doubt if those) to advance your ends, for their own; I speak no misteries now, blindnesse it self hath gotten eyes to see it. But the never sufficiently admired Parliament by the hand of wisdome and providence will a midst all these distractions pull off your Mask, and having made you visible to the world, either reduce you to a *non-entity*, or restraine you within the limits of your proper vocations, no more to intermeddle your selves with Church and state. Doe not you too much rejoyce over the (perhaps deserved) afflictions of others: If Judgement begin at the house of God, what doe you expect? the brim of the Cup may purge, may refine them; the dregges, plague and confound you; and such fierce scourges as your selves, after their just chastisment, may be (if your proper element can punish you) thrown into the fire.

*That a nationall Church hath no patterne, no direction in scripture, is false and scandalous; and because no lesse repugnant to the position of Consistories*, then of Bishopps, I leave you to their just censures: If you loved peace halfe so well, as you pretend to love trueth, this expression had never dropped from your pen: that olive branch, I am afraid, shall not be brought home to us, while it please God by a mighty wind to abate and dry up your waters.

*You would gladly purge the universities and schooles; non amo nimium diligentes*: this vomitive of yours may be the evacuation of their Learning and livelihoods; I pray God the houses themselves may obtaine favour at your religious hands, *whose piety extends to the very extirpation of your owne enemy knowledge, and a single life*; that argues your simplicity, this your wantonnesse: nor shall you want pretext; this is Monasticall, that vaine Phylosophy; either Paganisme, or that which is worse, Popery. But since already, the name of a *scholar* is no lesse odious to you, Then that of an *Academick* to *Paul* the second, and that to know but the titles of schoolemen, and in what language the fathers have written, is for that to be suspected of heresie, for this of superstition.

——— *oro miserere laborum*
*Tantorum, miserere animi non digna ferentis.*

 For

For generoſities ſake, envade not your enemie under the cloud, but leave us the title page of two univerſities, that the after ages may know, we had once religion and civility amongſt us.

You come at the laſt to a ſtrange poſition, *it is indifferent to you what ever liturgy or Ceremonies or diſcipline are left* to accompany this nationall government: is this you that told us all theſe are popiſh? it is true you did, but it is the *impoſition* you only complaine of, let you enioy your Chriſtian liberty at home in your parlours, and let Mahomatiſme reigne in our Cathedralls for you; now let your blinded followers themſelves judge whether it be prejudice or reaſon, your malice or its miſdeſerving hath ſo inflamed you againſt the preſent Church government; give freedom to you, you crave no more; it is therefore not the Crimes of the Epiſcopall office, but becauſe it curbes your paſſions, your vagaries, that hath ſtirred your humours againſt it, if the Juditious reader ſhall take the meaſure of your whole body by this your foot, he ſhal find that it is not your purity but your peviſhneſſe is in the iſſue betwixt us: our Camells ſhall be but gnats to you, if a way may be found to diſpence with your obedience, and make you ſomething betwixt a King and a ſubject; by this outward pulſe a man may find the inward motions of your heart, how unequall theſe are and how this aguiſh and preternatural heat of yours foreſpeaks a ſweat from my heart; I wiſh not that of bloud.

You adde, that *a dangerous error ſtifly maintained, is liable to excommunication*: I am glad you grant a poſſibility of errour; now there is ſome hopes you may be inſtructed ſince your preſumed infallibility permitts you to thinke, you can thinke amiſſe, the acknowledgement of a ſickneſſe is the firſt ſtep to health, but how your excommunication from other Churches and your exempted independent congregations can be ſoadered together, I profeſſe I underſtand it not; to me they ſeem as contradictorious, as independent, & not independent: your heriſie divides it ſelfe in ſo many croſſe wayes that it muſt ſometimes thwart, and the more, that your extemporary concluſion, know neither Premiſſes nor deliberation.

In your laſt words you ſeeme to caſt a ſmile upon the Civill power, and give a haile to your Maſter, by granting that in a reflexive

reflexive way it may punish the oversights of the fraternity; but if *hypotheca impossibilis æquipollet simpliciter neganti*, this is no grant at all, so you speake of such crimes as cannot possible fall upon any of that sanctification, such as the roote of Apostacy, and the errours derived from hence; nay if they did, such falterers were no more of your society, because you are obliged in conscience to seperate from them: so it is then that the Magistrate hath not only no power *in Ecclesiasticis* (this is to you directly Antichristianisme) but *in Civilibus*, neither to censure any member of your exempted and independent Congregation: this is the *Gideons* fleece that must never be of the Common dependence and condition of the rest of the kingdom. See now what necessity his sacred Majesty hath (unlesse he would sell all his possession) to buy your pearles to curb this feaster of yours; doe not flatter your selves, his authority and yours cannot breathe under one climate your pretended freedome is wholely incompatible with his due obedience, (witnesse these sad eclipses, these late stormes, these clouds that yet threaten a tempest) either that, or this, withall loyalty I speake, it is not of God; nor deale you more favourably with Parliaments; how much you regard the power, the integrity of that most honorable Court this your discourse can best give evidence; if you once carried the busines, you have professed it, that no Law no statute shall oblige you further then you find convenient to your exempted Congregation. And how have you suted your respects to the better times? that light of redresse hath onely served to make your Iett the blacker: what horrid Monsters, *quot Africa non caperet*, hath a too favourable beame of toleration, raised out of the mud and clay of your ignorant presumption and drosie wits? how is the pleasant land become a wilderneſſe.

*Infelix lolium & steriles Dominantur avenæ;*
*Pro molli violâ, pro purpureo Narcisso*
*Carduus, & spinis surgit paliurus acutis.*

And why doe such Batts and Owles as you screech about our Churches? enter, you may not for pollution) as if the ruines

ines and desolations of *Babel* had already seised upon us? the spirits of all good men doe already groane under your spirituall Democracy, and doe suffer a forehand, when their tenderneſſe represents to them the rubbiſh (unleſſe your violence be prevented) of a demoliſhed Church and state; it is true you are of flint, and the Polititions of the times who do uſe you as their ſtalking-horſe from whence to ſhoot their prey, abundantly furniſh tinder, but our prudent King and moſt careful Parliament ſhal quench your *ignis fatuus* & not ſuffer you to conſume us all to Aſhes: you have bin ſpared hitherto either to try the length of your Arme how far theſe your deſignes would reach, or that the Kingdom had not yet collected it ſelfe out of that amazement, which by your ſuddaine irruption as that of many rivers, you had cauſed: but it is now high time to throw full buckets of water upon your fiery heads, to take the matches from you, and either to ſend you hence, or preſcribe you bounds; leſt that the combuſtible body about you (all are now of Gunpowder) take hold of your ſparks, and burn up all to the extirmination firſt of order, then of religion, and laſt of humanity it ſelf. Theſe are the prayers, and theſe the feares of all them that with more reall ſighes and groanes, than you, to the hazard of your buttons imploy in charming of your hearers, love the proſperity, and long after the peace of Jeruſalem.

BRITISH MUSEUM

FINIS.

# THE POPES PROCLAMATION:

TOGETHER

With the Lawes and Ordinances eſtabliſhed by him and his Shavelings, concerning his adherents and rights which hee claimeth in England.

*Whereunto is added* 10

Six Articles exhibited againſt Cheapſide Croſſe, Whereby it ſtands guilty of high Treaſon, and ought to be beheaded.

*Printed in the yeare* 1641.

# POP

# THE POPES PROCLAMATION.

WHereas our Infernall Ghostly Holinesse is daily importuned, in the behalfe of our Annoynted, Archbishops, Bishops, Iesuites, Fryers, and others the rest, the lovers and exalters of our disroyall dignity, and Papall glory, who are protested against by the English Protestants; with all our innovations and the plots there contrived in our behalfe, to the utmost of their lives, liberties, and estates, one of our tryed Sonnes hath (we understand) beene cut off already, with the sword of Iustice; all that wee can worke more by him, is to croude him into our Calender, to seduce the rest by his constancy.

And for that great Prelate, whom we doubted whether wisedome moved us, love, or feare; not for his disaffection to Popery, but his ability to subdue himselfe, if subdued to: as also those other justly imprisoned, betrayers of their Country, from whom we can expect no more in our behalfe; we thinke it best policy to let them suffer, why should we regard the rod that Iustice strikes upon delinquents, whilst our own glory flourisheth among our owne beguiled Princes?

And whereas (to our great griefe) we daily have intelligence of the probability of our Religions utter extirpation & extinguishing in those dominions: notwithstanding the prodigious policy of our gracelesselly adopted sonnes and daughters, and all their cunningly contrived plots amongst them.

We therefore our Antichristian elfe, the Pope, with the corrupted Cardinalls, with all our hideous Prelates adhering to our hellish Councell of Rome, doe hereby give to understand to our mighty Emperour, our Kings, Princes and Peers, with the whole Commonalties, even all now resident under our bondage,

that we have hitherto taken such infernall care, to intrude an usurpation over Brittaine, in so much that nothing can be imputed to be deficient on our part. And moreover we doe understand that so great respect hath been had to assist us herein, as hell could worke, and diabolicall spirits contrive, though all be thwarted.

We doe therefore straighly charge and command, that from henceforth that Protestant Nation bee no more molested by us, lest whilst wee strive against Gods Israel, both we and all our Shavelings, and Monasticke, Monkish, Iesuitish, Antichristian, Papal race, with all our adherents, be whelmed in some fearful deluge of Gods wrath. And let it suffice us, that our owne insipient people hath graced us with our triple Crowne, contenting our selves with the glory we can enjoy.

Moreover, we conceive our selves to be more secure (to seduce our own tractable people to our selfe, whom (to our experience) we know we can traduce at our pleasure, to whom our words are oracles) then we could be, were those cleare judgements, and that happy kingdom subdued under us, which we could expect to be but as a shining light to discover our vailed deformities, which now are not discerned.

*Given from Rome at our Prosopopeian Court held the first of July 1641.*

l

Lawes

# Lawes and Ordinances forced to bee agreed upon by the Pope and his Shavelings, for the disposing of his adherents, and Popish Rites he sent into England.

1. We leave the great Archbishops cause to be censured (with the rest of our sonnes remaining in England, that cannot avoid it) to the mercie of the Parliament; because it is not in our power to helpe them.

2. We appoynt *John Taylor*, *Martin Parker*. *Herbert*, and all three English Poeticall, Papisticall, Atheisticall Ballad makers, to put in print rime doggery from the river of Styx against the truest Protestants, in railing lines and in the end young *Gregory* shall be their pay-master.

3. I counsell the English Bishops to send their Miters to the Book-binders shops, and bespeake them Bibles well bolled therewith, because we apprehend no meanes to keep them longer from their studies.

4. We advise them to send their Crosier staves to the Joyners, to be transl ted into Crutches: for we see that (with great sorrow) they must be forced to stoope.

5. Wee advise them to send their Lawne sleeves to the Semsters, that they may have handkerchers in a readinesse to wipe their eyes when they shall weep for their just deserved downefall.

6. Whereas the English Prelates & prestigious Priests, being well affected to Popish rites, vested their blacke insides with white Rochets and surplices, if they can procure them to be turned into shirts for them; wee counsell them henceforth to vest themselves outwardly in mourning black.

7. We advise the Bishops to stuff their Cater caps with feithers, to serve them for cushions in their closets, that they may sit at ease after they are driven to thither studie.

8. It is our provident care that their Scarlet robes bee given to their eldest daughter, wife, or neerest Kinswoman, to bee

worne in a petticoate for posterities, as an Embleme of the predecessors crimes.

9 Wee advise the dependants on their Hierarchy to betake themselves to some honest vocation, wherein they may do God and their Countrey some good service.

10 It is our pleasure to advise all our Iesuites, Monkes, Friers, Capuchins, and others of our hellish race and order of Rome, within the aforesayd Land, to take the first opportunity of comming to us, lest their delay procure upon them a Parliamentary execution.

11. It is our pleasures that the superfluity of the Altars, the rails (and what will more then make a decent Table) be disposed of for the benefite of the poore, if the Minister cannot get it for himselfe: for we perceive that the Church will no longer bee corrupted therewith.

12. Those Tapers and Candles which were wont to bee set upon Altars, wee advise the Ministers to burn them in their closets, if they can procure them to be given to them when they are at their late study.

13. We give all our Popish Rabble leave to part with those Crosses, Images, and Crucifixes, which they can no longer keep.

14 Wee censure the Organ-pipes to be buried in the founders melting pot, because we cannot help it.

15. We leave all trials there to the English Parliament, who force us so to doe whether we will or no.

The

# The great charge exhibited against Cheapside Crosse: whereby it stands guilty of high Treason, as an Idoll, and ought to be beheaded.

1 It was first consecrated and set up by authority from the Pope, to the intent it should be Idolized, 13. El. 2. p. Rome.

2. It attempteth against the estate Regall, being prostituted unto by Papists, and Recusants. Bri & Stamf. 1. p.

3. Contrary to the protestation, it is still pointed at, whereas it should be burned, and no more adored; yet as needelesse still bowed to, Constab.

4. It is adhered to, and doth comfort the Kings enemies, the Papists, &c. in that worship against which we have protested, 25. Edw. 3. cap 2.

5. His Majesties subjects, who are part of that politick body whereof his Royall Person is the head; doe prostitute themselves, and commit spirituall fornication, Idolatry, with the said Idoll, Stamf. fol. 19.

6 It doth maintaine and extoll the worship, authorized by the Bishop of Rome, which being done in these dominions, in despite of the protestation, is first a præmunire, secondly, high treason, 13. El. 2. p. Rome.

*FINIS.*

Loe here A Brightman, Or A man of bright
Man, that from darkeneſs brought this heauenly light
Thus ſhadowed here turne ore and you ſhall ſee
Hee was A man was bright in ꝓphecy

# A REVELATION OF Mr. BRIGTMANS REVELATION,

WHEREIN

Is shewed, how all that which Mr. *Brightman* on the Revelation, hath fore-told concerning GERMANY, SCOTLAND, and ENGLAND, hath beene fulfilled, and is yet a fulfilling, comparing his writings, and our Times together.

IN

A Dialogue betweene A MINISTER of the *Gospell*, and a CITIZEN of *London*, whereby it is manifest, that Mr. *Brightman* was a true *Prophet*.

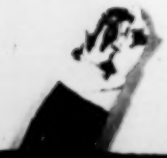
---

AMOS 3.7.

*Surely the Lord God will doe nothing, but hee reveales his Secrets to his Servants the Prophets.*

---

Printed in the yeare of fulfilling it. 1641.



# A REVELATION OF Mr. BRIGTMANS REVELATION CONCERNING GERMANY.

*Citizen*

YOU are well overtaken Sir,

*Minister*, Sir you are very welcome.

*Cit.* I pray you sir if I may make so bold with you, how farre travell you this way?

*Minist.* I intend *God* willing to ride as farre as *Medstone.*

*Cit.* And truly sir thither doe I intend also, and shall bee very glad of your company if it shall please you to accept of mine.

*Miniſt.* I ſhall be glad of any honeſt mans company, and I hope you are ſuch a one.

*Cit.* I pray *God* make me ſo; And I pray you ſir whence come you?

*Miniſt.* I come from *London.*

*Cit.* Truly ſir if I miſtake not I heard you preach in *London*, the laſt Lords day in *Bread ſtreet.*

*Miniſt.* Very like ſo, for there I was.

*Cit.* Sir, if it was you, in your Sermon you made mention of one Mr. *Brightman*, who as it ſeemeth hath written on the *Revelations*, and you ſpeake as though he had foretold of theſe times.

*Miniſt.* It is very true indeed I did ſo.

*Cit.* I pray you Sir, what was that Mr. *Brightman*?

*Miniſt.* Hee was a worthy meſſenger of *Ieſus Chriſt.*

*Cit.* Was he an Engliſh man I pray you ſir?

*Miniſt.* Yea indeed, he was an Engliſh man, but yet glad to flye out of the Land, becauſe hee was perſecuted by the Biſhops.

*Cit.* I pray you ſir how long is it ſince, hee writ his booke on the *Revelations*?

*Miniſt.* Full fourty yeares agoe, for it was in the 2. or 3. and 40th. yeare of Queene *Elizabeth.*

*Cit.* And did he ſo long ſince fore-tel of theſe times?

*Miniſt.* Yea indeed did he, and that not onely concerning *England*, but alſo concerning *Germany*, and *Scotland.*

*Cit.* I pray ſir if you can remember, firſt of all tell me what he hath foretold of *Germany*?

*Miniſt.* Hee hath foretold of thoſe miſeries which have lately befallen them? *Cit.*

*Cit.* But I pray you ſir, what ground could hee have in the booke of the *Revelation*, to write of ſuch things, is there any mention made of *Germany* in that booke?

*Miniſt.* Sir for your better underſtanding of this, I pray you take notice, that in the 3d. and 4. Chapters of the booke of the *Revelation*, there is mention made of ſeven Epiſtles, which our Lord, *Ieſus Chriſt* ſent to the ſeven Churches in *Aſia*, which ſeven Churches were types of ſeven other ſucceding Churches, which were to bee counterpaines of them, and the Counterpaine of the Church of *Sardis*, as Maſter *Brightman* ſaith, is the Church of *Germany*, the firſt reformed Church begun by the ſpeciall providence of godly *Martin Luther* at *Wittenburg* which is a towne in *Saxony*, by the River *Aliis* in the yeare 1517.

*Cit.* I pray you ſir, before you goe any further, tell me what you meane by Reformed Churches?

*Miniſt.* If you would know this you are to note that as Maſter *Brightman* ſaith the Church of *Thyatyra* bare the blame for ſuffering the Romiſh *Jezubell*, but this Church of *Sardis* reformed it, and as it were like another *Iehu*, tooke order for the caſting downe this painted, and ſhameleſſe *Harlot* out of the Windowes, ſo as it daſhed her braines out againſt the Earth, and therefore the Text ſaith, *ſhe hath a name that ſhe liveth*, becauſe of the Truth that was reſtored in her which brought light unto her in a marvelous manner.

*Cit.* But had ſhe no more then a name that ſhee lived?

*Miniſt.* So ſaith the Text, for it followeth but thou art dead.

*Cit.* But wherein did it appeare unto him, that the Church of *Germany* was dead.

*Miniſt.* In that though the Truth was reſtored, yet was ſhe infected dangerouſly with no ſmall errors and corruptions.

*Cit.* Name thoſe Errours I pray you.

*Miniſt.* That conſubſtantiating of the body of *Chriſt* in the Sacrament of the *Supper*, upon the which many other abſurdities doe follow, which creepe like a Leproſie, and doe utterly take away the life of thoſe members, that in themſelves were alive, and this death did not come upon particular men. But alſo upon many whole Cities and Provinces, for to this errour about the Supper of the Lord, and perſon of *Chriſt*, other errours alſo were added as about originall ſinne, *free-will*, *Iuſtification*, *Good Workes*, the *Law* and the *Goſpell*, *&c.* Indeed the Church of *Germany* caſt out many Popiſh errours, yet as touching the *Sacrament* of the *Supper*, ſhe ſtucke as it were in the mire of the corporall preſence, and therefore *Chriſt* telleth her in the Text, that hee had not found her *workes* perfect; their workes were not full, becauſe there was not a full Reformation made.

*Cit.* Then it ſeemeth that thoſe Errours, which the Church of *Germany* yet maintained, were the cauſe that moved Mr. *Brightman* to conjecture that miſery ſhould come upon them.

*Miniſt.* Yea indeed; that joyned with *Chriſts* threatning in the Text, was the cauſe that moved him

him ſo to conjecture, and therefore he foreſeeing it, did admoniſh the *Germans* to conſider of it afore hand, and prevent it by true and timely Repentance.

*Cit.* Did he ſo indeed, I pray you Sir, if you can remember repeate his words.

*Miniſt.* Truly ſaith he, it is a matter of great moment, and wherein alone lyeth the turning away of the imminent miſchiefe, unleſſe men turne their mindes hitherwards, that is, bend their eares to hearken to the voice of Scripture, and withall put in practice, & that with all ſpeed, thoſe things which the Scripture ſhall command, there remaineth a ſtrong ſcourge for *Germany*, more better then that which hath hitherto afflicted it.

*Cit.* Then it ſeemeth that *Germany* had beene ſcourged before Mr. *Brighman* wrote.

*Miniſt.* So it is manifeſt in Mr. *Slaydens* Commentaries, as alſo by that which followeth in Mr. *Brighmans* words.

*Cit.* Rehearſe his words I pray you.

*Miniſt.* What Godly man, ſaith he, doth not concerne great griefe, recounting with himſelfe the deſtruction of ſo many of the Brethren, by meanes of that pernicious errour, ſo long a diſagreing of mindes, ſuch bitter Combats both by word and weapon, but yet he muſt needs bee more grieved as oft as he conſidereth, that there is as yet noe end of theſe evills, but that ſomething more grievous than any thing, that hath yet befallen them, doth preſſe ſore upon them unleſſe they doe quickly repent, I could not, ſaith he, but admo-

niſh the Brethren concerning the danger, leaſt thoſe whom I doe in the bowels of *Ieſus Chriſt* deſire to be in great honour, and happineſſe, I ſhould heare to be wretched and plagued of *God* to my great hearts griefe, and I hope howſoever my Judgement may be troubleſome, yet my good will ſhall not be unaccepted.

*Cit.* But doth not Mr. *Brightman* expreſſely mention what manner of puniſhment ſhould come upon them?

*Miniſt.* No, but yet he doth ſhroadly point at it, gathering it from the words of the Text, which are theſe, but *if thou wilt not watch, I will come on thee as a Theife*, whereupon ſaith hee, the danger which here the *Lord* threatneth, is his comming as a *Thiefe*, and *that at a time not looked for*, for *Chriſt* doth not expreſſely name ſaith he, what kind of evill ſhall come upon them, though it may bee be in ſome ſort gathered out of the ſimilitude of a *Thiefs* comming, which is often uſed in *Scripture*, to ſignifie the unlooked for inraſion of an Enemy, but ſaith he ſeeing the next words aime at this, neither ſhalt thou know the houre when I ſhall come againſt thee. *Chriſt* perhaps doth here meane a certaine force or violence, ſuch as Theeves uſe in robbing of houſes, who doe often times not onely rob the owners of their goods, but alſo defloure the Virgins, and commit Villanies with their Wives, and compell them with Tortures to confeſſe where their money is hidden, which having once gotten, they ſlay all without differences, of Sects, that their villany be not berayd: *Chriſt* therefore

therefore saith, hee seemeth here to threaten the like kind cruelty of some savage Enemy, whose comming we must not determine by the Judgement seeing it shall be known what houre he shall come, neither ought we much to labour in searching out who this Enemie shall be, the Holy *Ghost* in setting it downe sheweth that his comming shall be sudden, but would not have it knowne who he should bee, it may be it is the *Turke* to whom the Raines shall be loosed, till *God* by his meanes shall have punished those who are to bee chastned, but whether it shall be he, or some other Enemy, you must not saith he (to the Brethren of *Germany*) sleep on in security still, and let Reformation go because you see no danger at hand, but you must bethink you how he will breake in upon you in a Moment, and it is to be feared that this which is here threatned shall no more bee avoided, then that of the Candlestick to be removed from the Church of *Ephesus* Chap. 2. 5. But these things saith he, depend upon condition of Repentance, to the which the eares of men for the most part are deafe, and therefore the Judgement is the more to bee feared, and thus you see I have repeated unto you Mr. *Brightmans* very words concerning the Church of *Germany*, which he truely foretold the inhabitants of that Country, have of late yeares found by wofull experiences.

*Cit.* Indeed I have heard divers men speak of the miseries of *Germany*, by Reason of the wars which have beene of late there?

*Minist.* Did you never read a Booke that came

out of late called the Lamentations of *Germany*.

*Cit.* I have heard of it but never read it.

*Minist.* If you had read that Booke, you should plainely see all that fulfilled to the utmost that Mr. *Brightman* foretold many yeares agoe.

*Cit.* I pray you sir as you have related unto me, what he hath foretold, so I pray you, relate how it hath been accomplished?

*Minist.* That I shall according as it hath beene testifyde by divers godly Divines of that Country.

*Cit.* Doe so then I pray you.

*Minist in a Letter sent from Swebrugden, Novemb. 14. 1636. by the Ministers of Germany to the Dutch Church in London.*

*Minist.* Destruction hath come on us like a whirle wind, and sudden desolation hath depopulated this our most flourishing Country, our Cities are turned into Townes, our Townes into Villages, our Villages into Cottages; where before were a thousand, there are now scarce a hundred; where there were an hundred here, there the 10. are hardly left alive, those which the sword hath spared, the Pestilence hath consumed; those which the Pestilence hath left, the Famine hath destroyed; Snayles, Frogs, the flesh of Dogs, and Cats; Carrion that had beene dead six weekes, or more hath beene valued at a high rate, yea and some (the Famine made such a rage) that they did not abstaine from mans flesh. In a Parish neere unto *Swebrugden*; a Brother and Sister surviving their Parents, and the Sister also dying; the Brother (I tremble in the very writing) fed upon his sister; they have layen in waite to intercept Passengers, and those whom they have taken after they have killed them,

them, they have made their owne bellies their graves.

Wheresoever we cast our eyes, wee see nothing but misery, the dearenesse of provision is such, that a Bushell of corne is scarce got for 4. Pound of English money, and they that bring it come with hazords of their lives, the Famine is so sore that mans flesh is eaten; A certaine Woman having allured unto her selfe, with enticeing words a Girle of 12. yeares old, and a Boy of five yeares old, a Millers sonne. (Ah I tremble in relating it) killed them both, and devoured them with her neighbour.

*In a Letter written by a worthy Minist. of Meissenheim, on the edge of the lower Palatinate Febr. 1. 1637.*

Alas! what punishments and plagues doe now oppresse us, *God* is justly angry with us for our manifold sinnes, and his Judgements ready to destroy us, the heavy curses of *Moses*, the bitter Lamentations of *Ieremy*, and all the threatnings of the holy Prophets, we see daily here accomplished, It is impossible either to expresse the greatnesse of our wants, or the fury of Famine amongst us. Mothers forgetting their owne naturall affections towards their owne children become Butchers of them, and then eate them up instead of foode; men have digged out of graves dead bodies, and then have eaten them: these miseries, and many others are set downe in those Letters.

*In a Letter written by a worthy Minister from Worms 10. Feb. 1637.*

*Cit.* These are lamentable miseries indeed, the Lord be mercifull unto us, but I pray you Sir, by what meanes hath the Lord brought these miseries upon *Germany*.

*Minist.* By meanes of Warre which hath bin in that Country this many yeares.

*Cit.* Betwixt whom have theſe Warres been theſe many yeares.

*Miniſt.* Betwixt Proteſtants and Papiſts.

*Cit.* But whither are they the Proteſtants, or Papiſts that ſuffer this miſery, or both.

*Miniſt.* No doubt but they both ſhffer, but eſpecially the poore Proteſtants?

*Cit.* Doth that Booke expreſſe ſo much?

*Miniſt.* O yes, for firſt as touching exactions, the booke ſaith for the maintenance of warre on the Papiſts ſide, the Papiſts were almoſt freed from taxes, and live like priviledged men, and the Proteſtants are in a manner at the charge of all, and that little that is left unto them, beſide their contribution is by the licentious Souldiers taken as their owne: after the like manner hath others bin dealt with contrary to all Oaths and Promiſes, yea contrary to the Lawes of Nation, and common Faith: but perhaps ſaith the Booke his holineſſe indulgences, and diſpenſations can ſufficiently free them, be the bond never ſo ſacred, or elſe they ground themſelves on this Axiome, which they hold as Authenticall that *Faith* is not to bee kept with Hereticks.

Secondly as touching Tortures and Torments, thoſe whom they have thought to have hidden Gold, or other wealth, they have aſſayed by exquiſite Torments to make them to confeſſe, yea Princely Perſonages have ſuffered like cruelty, in this kind with meaner ſolke.

*Cit.* Why I pray, what manner of Torments have they uſed to make them to confeſſe.

*Miniſt.*

*Minist.* They have with bodkins pearced, yea with knives raced, and cut the skin and flesh of many, they have drawne strings and cords through the fleshy part of some, the Mutculls of their thighes Armes, Noses, Eares and lips, some they have put into hot ovens, and so smoothered and burnt them, some they have roasted with strawfyers, some they have stifled, strangled, or hanged, the mouthes of some they have opened with gags, and then powred downe their throates, stinking puddle water, yea pisse it selfe, saying this is a Swedish draught, whereupon they growing sicke, and their bellies swelling like a tunne, they have dyed by leasure in the greater Torments.

At the taking of *Magdenburge*, a Preacher of great esteeme was dragged out of the Church to his owne house, that he might see his Wife and children ravished, his tender infants snatcht from the Mothers breast, and stuck upon the top of a Lance, and when his eyes and heart were glutted with so cruell a spectacle, they brought him forth bound into the street, and laid him in the midst of his owne Bookes, and setting fire thereto miserably burnt him, and thus have I given you a tast of the Lamentations of *Germany*.

*Cit.* If this be but a taste, alas how lamentable is their condition that have drunke the whole cup.

*Minist.* It is lamentable indeed, the Lord in Mercy looke upon them, and give them grace at last, to take notice how the Lord hath accomplished his word by his servant Mr. *Brightman*.

*Cit.* Amen ſay I, for ſurely me thinks it is evident by that which you have related, that it is come upon them juſt according to his words.

*Miniſt.* Yea indeed is it, for ſaith the Booke, ſecurity blinded them that they could not ſee the ſtorme a comming, but whilſt they did ſwimme in fulneſſe and pleaſure, the Judgement that ſlept was ſuddenly awakened, and the fire of warre was quickly kindled all in their coaſts, by which ſaying, and that which you heard before, it is very plaine, that this Judgement came upon them as a *Thiefe*, and did to them all that which Theeves uſed to doe.

---

A REVE-

# A REVELATION OF Mr. BRIGHTMANS REVELATION Concerning SCOTLAND.

*Citizen.*

ELL Sir, you have fully satisfied me, concerning the Church of *Germany*, wherefore I pray you in the next place tell me what he saith concerning the Church of *Scotland*.

*Minist.* Hee maketh the Church of *Scotland* with others, A type of godly *Philodelphia*.

*Cit.* What other Churches I pray you does hee joyne *Scotland* with?

*Minist.*

*Minist.* With *Geneva*, *Holland*, and others the like,

*Cit.* And why does he joyne it with them?

*Minist.* Because saith he they live by one, and the same Lawes and Government, as touching any matter of moment.

*Cit.* And what else doth hee say of that Church I pray?

*Minist.* He saith further, that in this Church the divine Power of *Christ* shineth forth in speciall manner, sanctifying it by kindleing in it, a carefull love of Piety, and by makeing them fit in *Christ Iesus* unto every good worke, yea saith he there is no place where *Christs Doctrine* soundeth out more purely; the worship of *God* is exercised more uncorruptly, nor where more faithfull diligence of the *Pastors* doth flourish, or where more free and willing obedience is given by the people, nor yet where is greater reverencing of the whole Religion among all Orders, neither doth it onely keepe the Doctrine of Salvation free from corruption, but it doth also deliver in writing, and exercise in practice, that sincere manner of Government, whereby men are made partakers of salvation, certainly saith hee the whole will of *God* is communicated to those holy ones of his.

*Cit.* This which you have related as I conceive, concerneth the State of this Church, when Mr. *Brightman* writ: butwhat doth he say concerning the future time of it?

*Minist.* The victory saith hee which the *Philadolpheans* had of old gotten over the *Jewes*, was doubtlesse

doubtleſſe very notable noe leſſe famous ſhall be at laſt, the Triumph of this reformed Church over the Papiſts, hitherto they have fought againſt them with quills and inke, but the time ſhall come ere long, when they ſhall quite bee rooted out of Weapons, and that by the help of this Church.

*Cit.* But Sir me thinks this victory over the Papiſt ſeemeth rather to bee promiſed to the Church of *Chriſt* in generall, then this part of it in particular.

*Miniſt.* But it followeth upon theſe wordes; I will deliver thee from the houre of temptation; here ſeemeth ſayes Mr. *Brightman* ſomething promiſed to this one Church, it may bee this temptation ſhall bee ſome other, which ſhall goe before that maine battell', which ſhall come upon the whole world, wherein the Church ſhall get victory, a taſte whereof is here given to his Church, to be taken aforehand, the full declaration is refered to the proper place of it, in the meane time ſaith he, the words promiſe that this one Church ſhall be preſerved from waſting, or Deſtruxion for it ſhall bee like a Piller in the Temple of *God* ſaith the Text.

*Cit.* Then it ſeemeth that Mr. *Bright-man*, was perſwaded that *God* had a love to this Church.

*Miniſt.* It is very true indeed, he was ſo perſwaded, and the very words of the Text plainely imply ſo much, for ſaith *Chriſt* they ſhall know, that I have loved thee, whereupon ſaith Mr. *Brightman* there ſhall be none that ſhall not be enforced, to confeſſe that thou art onely *Gods* beloved dar-

ling, when hee ſhall ſee thee ſo marvelouſly promoted and advanced.

*Cit.* Then it ſeemeth Mr. *Brightman* did foreſee, that this Church of *Scotland*, would goe on couragiouſly without revolting or backſliding.

*Miniſt.* He did ſo indeed, for *Chriſt* ſaith he, will make this Church like a piller in his Temple, which words ſaith Mr. *Brightman* doth ſignifie, both that the *Philodelpheans*, that is to ſay, this Church ſhall continue nntill the reſtoreing of the Church wherein the new *Ieruſalem* come downe from Heaven, as alſo that they ſhall bee joyned with it in Covenant, and Society, wherefore ſaith he, nouriſh and cheriſh thy hope with theſe things, O Holy *Philodelphia*, and be not perplexed in thy minde, whatſoever the World prateth of thee with many fooliſh words, thou art little, and lowly, but *God* ſhall exalt thee, goe forward conſtantly, give not againe one whit, neither regard the ſcoffs of the wicked, the end of thy War-fare is comming ſhortly, in the meane time we will pray for thy peace and proſperity, doe thou joyne thy mutuall wiſhes and Prayers to *God* with us, and for us, that thoſe things which *Chriſt* hath ſo greatly proved in thee, hee would vouchſafe to grant to the reſt of thy Brethren, and ſo hee concludes the grace of our Lord *Ieſus Chriſt* be with you *Amen.*

*Cit.* Surely Sir, me thinks Mr. *Brightman* hath hit in, as we uſe to ſay hit the nayle on the head, for in my mind many things have come to paſſe concerning this Church according to his ſaying.

*Miniſt.*

*Miniſt.* Yea, if you marke it you ſhall find it ſo, for it is well knowne that at this day, they have gotten the victory, and doe triumph over all the Papiſts, and ſuperſtitiouſly minded Prelates, in their Kingdome, and although their Enemies (I meane our Prelates of *England*, and all their confederates) have attempted with all their might, and power to waſt and deſtroy them, both in their Doctrine, Diſcipline, bodies, and States, yet bleſſed bee *God* wee ſee, that they may ſay with the words of the *Apoſtle Rom.* 8. 37. nevertheleſſe in *all theſe things wee are more then Conquerors through him that loved us*, the Truth is, we may ſay the ſame at this day concerning the Church of *Scotland*, which Mr. *Brightman* in his time, ſaid concerning her ſiſters, the Churches of *Geneva* and *Holland*.

*Cit.* Why Sir, I pray you what ſaid he of them?

*Miniſt.* What miſchife ſaith he is it, that the *Frenchman*, *Spaniard* and *Pope*, have not plotted, and indevoure to worke, for the rooting out of the men of *Geneva*, a ſmall people, environed from all with Enemies, and barred out from all aid of neighbours, Cities, and Churches, yet ſaith he, it flouriſheth to this day bleſſed be *God* for it, and ſhall flouriſh hereafter *Maugur* the envy and malice of all adverſaries, though they burſt for anger, and who would thought ſaith hee that the *Hollanders* could have ſo long endured the fury of *Philip*, the cruelty, threats, and aſſaults, of the Prince of *Albani*, and of ſo many bloudie Tyrants, and yet bleſſed be *God* they remaine to this day.

*Cit.* But me thinks Sir, Mr. *Brightman* ſpeakes, concerning the Church of *Scotland*, as if he had lived in theſe our times, and have heard and known, that which we have heard and knowne.

*Miniſt.* Yea, indeed doth hee; for firſt if you marke it hee ſpeaks of a Covenant and Society, which they ſhould be joyned in, as if he had known of that fourty yeares agoe, which they have done within theſe three yeares, wherefore ſaith he nouriſh and cheriſh thy hope with theſe things, O holy *Philodelphia*, and be not perplexed what ever the World praiteth of thee, as if hee had heard men call them Traytors, Rebels, Seditious &c. &c. For thus the World hath praited of them, as it is likely you have heard, againe ſaith hee, thou art little and lowly, but goe on conſtantly, neither regard the ſcoffs of the wicked &c. as if hee had known, that wicked men would have little eſteemed of them, or any force that they could make have you not heard, that ſome have ſpoken of them by way of contempt after this manner; alas what is all their power and force that they can make in compariſon of all *England*, and *Ireland*, nay have you not heard, that ſome after a ſcoffing manner have ſaid, they will bring an Army of Mice that ſhall conquer them, I my ſelfe was told that when tidings was firſt brought to the Councell Table in *England*, that the *Scots* would goe forward, conſtantly in ſticking to the Covenant, and not give back a whit to Popiſh Superſtition; Some of the Councell ſhould anſwer, if they will not be ruled, ſend an Army of Souldiers againſt them,

them, as if they had beene ſo little and lowly, that one Army of Souldiers would preſently conquer them, but ſaith Mr. *Brightman* there ſhall be none that ſhall not bee enforced to confeſſe, that they onely are *Gods* beloved darling, as if he had known that *God* would ſo worke for them, and by them, as bleſſed be his name he hath done of late, whereby he hath made them that were their Enemies, and ſpeake againſt them, now ſay ſurely the *Scots* are honeſt men, and *God* is on their ſide, ſo that according to Mr. *Brightmans* words, they are forced to confeſſe, they are *Gods* beloved darlings.

*Cit.* Truly Sir, I for my part. have ever had a a good opinion of them, and when I have heard others ſpeak againſt them, I have ſaid, well marke it, and you ſhall ſee, that we ſhall have great cauſe to thanke the *Lord* for their comming into *England*.

*Miniſt.* You are of my mind in that, and bleſſed be *God* it is ſo come to paſſe, for they have approved themſelves to be men fearing *God*, and that they have ſought to promote the honour of *God*, and therefore doubtleſſe *God* will honour them, ſo that they ſhall remaine as a *Piller* in the *Temple* of *God*, untill the new *Ieruſalem* come downe from *Heaven*, which the Lord grant for his mercy ſake, *Amen*.

# A REVELATION OF Mr. BRIGHTMANS REVELATION Concerning ENGLAND

*Citizen.*

WELL Sir, you have fully ſatisfied me, concerning *Scotland*, I pray you alſo let me heare what he ſaith concerning *England*?

*Miniſt.* He hath ſaid that ſome ſore affliction ſhall befall our *Prelates*.

*Cit.* But it may bee our *Prelates* will imagine that he writ it out of envy to them, becauſe as it ſeemed

ſeemed they had perſecuted him.

*Miniſt.* Indeed it doth appeare that *Mr. Brightman* himſelfe, did imagine ſuch a thing, and therefore when hee tooke a view of this Church, and ſeene the miſery that was like to come upon our *Prelates*, he indevoureth to prevent this in theſe words, the Counterpain of *Laodicea*, is the third Reformed Church, which that before I doe by name ſpecify, I muſt put away from mee by all earneſt intreaty, the unjuſt ſuſpicion which ſome men may raiſe againſt mee, and offence that they may take at my words. It was not truely any diſtempered affection of my heart, that hath ſet me on worke, to ſeeke out an odious application of this *Epiſtle*, *God* is my witneſſe that I am not grieved through envy at the wealth, nor yet at the Honours of any man, that little eſtate that I have of mine owne doth fully content mee, neither did I ever count any thing more fooliſh, than for a man to goe about to pleaſe himſelfe, by diſpleaſing others, yea how foule, and ſhamefull a thing is it, for one to lie raking in the Ulcers of his Brethren like a flye, my minde and diſpoſition is, and have beene ſuch, that I could never abide ſuch courſes, yet when I perceived that theſe ſeven Cities were propounde I for a *Type* of all the Churches among the *Gentiles*, and when I did moreover ſee ſo clearely both the Order, the time, and the marvelous agreeing of all things together, I durſt not perfidiouſly bury the Truth in ſilence, *God* forbid that I ſhould willingly diſtaine that Church with any of the leaſt blot of Infamy.

famy, which by the mercy of *God* hath brought forth, hath brought mee up, and doth ſuſtaine me, the which therefore I doe with my daily wiſhes, and indeavours deſire to bee, and to make a moſt bleſſed Chnrch, but ſeeing a Bile cannot be healed unleſſe it be handled, neither handled without ſome paine, or ſmarting griefe, I thought it my duty to caſt my ſelfe rather upon whatſoever troubles; then to betray the ſalvation of that Church, whoſe Eſtate ought to be of more account, with every one of us then our owne, truly hee that gathereth the teares of his Children into his Bottle, knoweth right well, that I have not with dry eyes taken a Survey of this *Laodecea.* I could not but powre out teares aud ſighes from the bottome of my heart, when I beheld in it *Chriſt* loathing of us, wherefore let no man blame mee for ſpeaking that, which not ſo much my owne mind, as the duty of a faithfull Interpreter conſtraineth me to utter, amd I hope that thoſe that love the truth, will not reject and diſdaine ſo equall a Petition, on which hope relying, but chiefly on his helpe who is the guider of my way and life, I will forthwith addreſſe my ſelfe to come to the matter.

*Cit.* Doe ſo I pray you Sir, for I long to heare it.

*Miniſt.* The Counterpaine of *Laodicea* ſaith he is the third Reformed Church, namely our Church of *England*, touching whom *Chriſt* ſaith, I know *thy workes that thou art neither cold nor hot*, in declaring the greatneſſe of the ſinne of this Chnrch,

*Chriſt*

*Chriſt* maketh mention of no good thing that it hath, wherein he dealeth otherwiſe with it, then with the former Churches of which there was not any, ſo paſt hope, and forſaken of *God*, no not *Pergamus* or *Sardis*, that it was without any thing praiſe-worthy in it, not but that there were ſeverall men, whoſe faithfulneſſe and diligence the Holy Ghoſt acknowledged, but becauſe he reſpecteth the common forme and outward faſhion of the Church, ſuch I meane as it is not ſo much through it owne default, as by meanes of the faulty Government of the Angels that be in it, which is ſo indeed ordered, that whoſoever looketh upon it with eyes that are matches, and indifferent it may ſeeme to him, and that worthily to be void of all vertue whatſoever, and though we may well conjecture by this kind of Silence, which the Holy Ghoſt here uſeth, how deſperate the diſeaſe of this Church, is yet in the next words following, the quality thereof is in a more plaine, and lively manner deſcribed unto us, and firſt by a deniable of contraries, I know ſaith hee, *thou art neither cold nor hot*, but ſome odd ſtrange thing molten and compacted together of them both, ſo that this evill conſiſteth in certaine contraries; ſtrangely tempered and blended together; now hee calleth that man cold, who can well indure, that the duties of Godlineſſe ſhould lye dead, and out of requeſt, little or nothing caring what manner of way he himſelfe, or others take to worſhip *God*: He calleth him hot who boileth with heate, and fervency of Spirit, in his due and full regard of

*Gods* worſhip, being like to boyling water, that ſeetheth and playeth as we ſay in a Pot, with a certaine reſtleſſe notion, for ſo doth the word hot in the *Greek* ſignifye, to wit ſuch an one as can by no meanes indure ſuperſtitious and impious Religions, but will hazard all he hath, ſo farre as may be to effect a Reformation.

*Cit.* And what I pray you, doth he underſtand by being luke-warme?

*Miniſt.* This ſame Lukewarmeneſſe ſaith hee, that is ſet in the middeſt betweene theſe extreams of heate and cold, is ſuch a thing, as whereby a man abſtaining from groſſer Sinnes is well given in Religion, and will ſerve *God* as we commonly ſay, yet onely ſo farre forth as may be enough to keep the eſtimation of a Prudent, and civill honeſt man, ſuch as wee call at this day *Stotiſts*, or moderate and direct Proteſtants of State, and which are commonly knowne to be Luke-warme Profeſſors.

*Cit.* And doth he apply this Lukewarme condition to the Church of *England*?

*Min.* Yea indeed, for theſe be his words in our *Realme* of *Eng.* the matter is ſo cleare, where ſuch a forme of *Church* is eſtabliſhed, which is neither *cold* nor yet *hot*, but ſet in a middeſt betweene both and compounded of both, it is not cold, in as much as it doth profeſſe, the ſound, pure, and ſincere Doctrine of Salvation, by which we have renounced that *Antichriſt* of *Rome*, and are riſen out of death, wherein we lay before, yet hot it is not as whoſe outward *Regiment* is as yet for the greateſt part Antichriſtian and *Romiſh*, in the degrees of the Clergie-men, in elections and ordina-i-

ons,

ons, and the whole administration of the Church Censures, the which tempering of pure Doctrine, and d *Romish Regiment* together maketh this Lukewarmnesse, whereby wee stand in the midest betweene *cold* and *hot*, betweene the *Romish* and Reformed Churches, of both which wee make a medly, as *Martin Bucer*, complaineth in a certaine *Epistle* of his written from *Cambridge* to a speciall friend of his, *January* 12. 1550. But saith Christ, I would thou wert either cold or hot.

*Cit.* And how does Mr. *Brightman* understand these words?

*Minist.* That is (saith he) I would thou wert either all *Romish*, or els wouldest at last admit of a full *Reformation*, and herein Christ sheweth the horrible grievousnesse of this evill by a comparison, wherein he preferreth *a wicked Religion*, yea, none at al before this hotch-potch luke-warmnes.

*Cit.* But doth not Lukewarmnesse come neerer to hotnesse, and so to that which is good, whence is it then that it is more blame-worthy?

*Minist.* Mr. *Brightman*, answereth this saying certainly sin is more sinning, where grace is more abounding; God will bee sanctified in those that come neere him, the servant that knowes his Masters will and does it not shall be beaten with many stripes, therfore if *Baal* be God follow him; why halt you betweene both, as if it were hard to determine whether were better; there is more sound judgement left in him who being ignorant of what is true, sticketh fast in his superstition, then in him who being enlightened with some knowledge of the truth, waves up and downe as

uncertaine what he ſhould follow; the Mediocrity therefore is worſt of all.

*Cit.* Then it ſhould ſeeme Mr. *Brightman* holds it better to revolt to *Rome*, then to ſtay in this luke-warme Church.

*Miniſt.* No God forbid (ſayes he) for Chriſt doth not ſay that the ſtate of the whole Church is worſt, as unto which the food of Salvation is aboundantly adminiſtred, which yet three is no leave nor way to come by in the Church of *Rome:* but yet Chriſt here preferreth the blind Papiſt before thoſe Angels onely, who being bewitched with ambition and covetouſneſſe, doe ſcornfully reject holy Reformation.

*Cit.* And I pray you Sir, what is ment by ſpewing out of Chriſts mouth?

*Min.* Mr. *Brightman* ſaith, thereby is ment that *Chriſt* ſhall take great pleaſure in caſting away this *Angel* from himſelfe; for what can be more acceptable to a man that is ſtomack-ſick, in eating meat that he loatheth and hath an appetite to vomit, then as ſoone as may bee to be eaſed of that which cauſeth his ſickneſſe, yea and that he will caſt out this Angell with great reproach, for an uncleane place is ſought to vomit in, yea, and further, that this *Angel* ſhall never recover his former dignity; certainly the Author of all uncleanneſſe ſhall never returne to his vomit againe.

*Cit.* But Sir, ſome Interpretors are of opinion, that by this phraſe, ſpewing out of Chriſts mouth, is only ment that Chriſt will take away his truth from that *Angel*, giving him over to abſurd opinions,

nions, and that he ſhall beleeve a lye.

*Miniſt.* Indeed ſaith Mr. *Bridgeman*, the itching deſire that many have at this day to broach againe to the people monſtrous opinions, and ſuch as have beene already hiſſed out, doth make this interpretation probable, we know what hath beene tanght within theſe few yeares in the Schooles, preached uſually in Sermons, diſputed publikely at Commencements, and what was put in print the laſt Summer, but if this ſhould be ſo ſaith hee, then this ſhould be the puniſhment of the people as well as of the Angels, whereas this puniſhment ſeemes properly to belong to the Angels, therefore (ſaith he) I cannot tell what to ſay certainly concerning this matter, the event ſhall ere long make it plaine: in the meane time let us know that this puniſhment ſhall be very dreadfull.

*Cit.* But doth this puniſhment properly belong to the Angels ſay you?

*Miniſt.* I tell you truely, it is Mr. *Brightmans* judgement that this puniſhment is not to be common to the whole Church of *Laodicea*, but peculiar to the Angels alone, that is (ſaith hee) to all Luke-warme Paſtors, becauſe the Church is wont to be ſpoken of expreſſely, where it is intreated of, as in that to the Angell of *Epheſus*, *I will remove the Candleſtick out of its place*: therefore ſaith he, it ſhall bee a puniſhment peculiar to the Eccleſiaſticall men without the deſtruction of the whole Church, and as it is not to bee doubted, but that which is here denounced did befall the Angell of *Laodecia*, ſo is it certainely to be expe-

cted of this our Engliſh *Angell*, unleſſe they prevent it by Repentance, for it ſhall come to paſſe that that faithfull witneſſe ſhall overthrow this whole Hierarchie, and will not ſuffer men that ſeeke onely for honour and Wealth, and not the things of *Jeſus Chriſt*, to injoy no not this their falſe felicity, certainely ſaith hee, a great and ſhamefull judgement doth waite for thoſe Lukewarme men, the feare whereof though it doth not at all torment them, becauſe they have chaſed away all the noyes of it, with their teame againſt like carriage and courſes, yet howſoever all men be huſh and ſtilled, he will not faile nor falſifie his word, who hath threatned that he will be avenged of them, It is alſo to be feared that the Church ſhall feele ſome little calamity, as being infected with the contagion of this ſinne, ſuch as the Angels are, ſuch doth the Church for the moſt part prove, and there is no man ſo rude and unexpert, that ſeeth not plainely that the whole body doth labour of the ſame diſeaſe.

*Ca.* Yet it ſeemeth that our Eccleſiaſticall men would not beleeve this.

*Miniſt.* No ſaith Mr. *Brightman* they doe with ſweling words blazon the happines of our Church, thus governed as it is, and thereby made ſo happy as they ſay, and this they doe both in their printed Bookes and in their Sermons, it was not for nothing therefore, that the Holy Ghoſt bringeth in this Angell boaſting of himſelfe, and the firſt brag is his preſent Riches, how doth our Angell triumph in this regard, and lift up his head above other

other *reformed* Churches in other places, O ſaith he the Paſtors of other Churches are poore, and to be ranked among the vulgar and baſe kind of people; But our Biſhops are the Peeres of the *Realme*, above many Noble men for Honour, yea and equall to any of the higheſt, and greateſt Earles, for wealth, attendance, ſtatelineſſe of Pallace, and all other worldly Pomp, as for the next ranke of of the Clergie, how mighty maſſie and puſſie are they growne with Wealth, the *Deanes*, *Arch-Deacons*, the *Prebendarys*, and the Queens Chaplaines, have the top-quots of Benifices as they call them, heaped up one upon another, ſo that they match Eſquires in their yearely revenues, doth not this, tro yee amplify exceedingly the honour of our Church, to have our brave ſilken Miniſters to gliſter as they goe, and to jet through the ſtreets, but this vaine glory is not good. The ſecond bragg of theirs is our long continued proſperity, but worldly proſperity, and that of long continuance, is an Argument rather of *Gods* Patience and long ſufferance towards the wicked, then of mans *Righteouſnes* and acceptance with *God*: In the third place he boaſteth that he wanteth nothing, what tell you me ſaith he of other Reformed Churches, I ſee no cauſe why other Reformed Churches, ſhould not rather imitate ours then we theirs, but alas, this is but to commend and have an *eſtimation*, of our humane inventions, whereas the Godly Brethren both at home and in other places doe ſee, and to their griefe take notice of the wretched, and wofull eſtate of our Biſhops

and

and the reſt of our Clergy that do wholy give themſelves to an ambitious aſpiring after worldly Honour, but howſoever they pleaſe themſelves very greatly in applauding their own felicity, and ſaying thou art rich, encreaſed with goods, and haſt need of nothing, the Holy Ghoſt ſaith thon art *poore, and blind and naked.*

*Cit.* But doth Mr. *Brightman* ſay our Clergie are poore?

*Miniſt.* Yea indeed doth he, but what kind of poore men ſaith he, not in *Spirit* ſurely, of which *Chriſt* ſpeaketh *Mat.* 5. 3. For that is a bleſſed poverty, this a miſerable one: for it is a timorous kind of beggerlineſſe, ſaith Mr. *Brightman.*

*Cit.* But how can this agree to our Angells? is not this baſe beggery farre remote from them, and from ſuch wealth and Pomp as they abound withall?

*Miniſt.* I would to *God* it were ſo ſaith Mr. *Brightman*, but the caſe of our Clergy ſo ſtandeth, that the *Angell* of *England* in plaine Termes groweth wealthy by begging.

*Cit.* But how doth he prove that I pray you?

*Miniſt.* By their running up and downe, their bribing and flattering, that they may come by theſe Eccleſiaſticall promotions, by their poſting up to Court, or to the houſe of the Lord *Keeper* of the Great Seale, by their becomming followers of Noble men, and becomming their Chaplains, to the end that as ſoone as any Benefices (as they call it) ſhall fall void, they may injoy it by the Lords

Lords guift but is not this currying of favour ſaith he a meere begging?

*Cit.* This ſurely is too true, wee ſee the ſame at this day. But are not our *Biſhops* themſelves free from this baſe begging?

*Miniſt.* If they be free (ſaith hee) then what meaneth that continuall haunting of the Court, and hanging on the Nobles? Why doe they not ſtay while they be ſent for? Yea, why are they not rather pulled away from their ſtudies againſt their wills, thou art therefore ſaith he a very beggerly wretch: O thou Engliſh Angell, neither art thou in very truth, nor to be called otherwiſe then my Lord begger.

*Citti.* And how doth hee prove that they are blind?

*Miniſt.* He proved that they are blind in making ſuch Cannons as were diſcuſſed in a Synod at *London*, and ſet forth *An.* 1579. wherein they ſeemed to ſee the diſeaſes of the Church, and to make a kind of Medicine to cure it, which indeed was nothing leſſe; for whereas it was ordained by the Statute of the Land that no man ſhould be admitted to holy Orders under the age of 24. and muſt bring a Teſtimoniall, from men well knowne to his Dioceſſan, both for his honeſty of life, as alſo for his ſincerity in the profeſſing the Doctrine of our Church, and able to give a reaſon of his faith in the Latine tonge or at leaſt have ſome ſingular guift in Preaching, the Church nevertheleſſe ſwarming with a heap of vile Varlets our *Prelates*, added ſuch cautions as theſe to helpe the weakneſſe

of the Law, that is to ſay that no man ſhould bee received into holy Orders unleſſe hee could ſhew at the ſame time a preſentation for himſelfe to ſome Benefice, or unleſſe hee could bring a certificate of ſome Church, wherein he may be a Curate under ſome man to ſay Prayers; or unleſſe he have been of ſome Colledge, or at leaſt unleſſe he were to be admitted by the ſame *Biſhop* to ſome *Benefice* or *Curateſhip*; now ſaith Mr. *Brightman* what ſtark foole or arrant knave is there that may not fulfill all theſe, he proveth them blind alſo by that which they decreed touching plurality of *Benefices*, which was this forſooth, let no man be qualifide for ſuch a priviledge unleſſe he be a Maſter of Arts at leaſt, and bee a publike and worthy Preacher of Gods word, whereupon ſaith Mr. *Brightman*, why what hurt hath Mrs. of Art done thee, or how have they offended thee, that thou ſhouldeſt owe and doe them this miſchiefe to make them in the firſt place guilty of ſo great a ſinne, thou confeſſeſt that pluralities is evill, and a thing to be ſuppreſſed, and yet giveſt them leave in thy judgement to bee infected with this peſtilent diſeaſe doubtleſſe it is a notable priviledge of their degree that they may be nought before any others. Laſtly, hee proveth them blind (as touching their Excommunication) for they wiſh that it were reduced to the ancient uſe, honour and dignity, which once it had, and yet they ordained that in greater crimes the ſentence ſhould bee pronounced either by the *Arch-biſhop*, *Biſhop*, *Deane*, *Arch-Deacon* or *Prebendary* in his owne proper perſon, what ancient uſe ſaith Mr.

*Bright-*

*Brightman* is this of pronouncing the ſentence by thoſe men whoſe very names except that of the *Biſhops* onely, were not once heard of in the Church ſo long as the true comelineſſe and dignity of Excommunication indured: wherfore he concludes certainly thon art proved blind by many Arguments; but Chriſt open thine eyes: I for my part think fit not ſo much to ſpend words in diſputing with thee as wiſhes in praying for thee.

*Cit.* And how doth he prove (I pray you) that they are naked?

*Miniſt.* Garments (ſaith he) are uſed to provide for our nakedneſſe, whereout when a man is ſtript, his ſhame is laid in open view, according to that of the Prophet *Nahum*, 3. 5. *Behold I come againſt thee* (ſaith the Lord of Hoſts) *and I will diſcover thy skirts, unfolding them before thy face that I may ſhew thy nakednes to the Nations, and thy filthineſſe to the Kingdomes:* this nakedneſſe therefore is that ſhamefull reproch and contempt which the Angell is ſubject to and ſuſtaineth, neither indeed can it be but that our Clergie ſaith hee ſhould bee vile in the account of men who doe openly and clearly ſee in how beggerly a manner Eccleſiaſticall ſtipends are catcht how ſhamefully and negligently the holy functions are adminiſtred, how all care of the Flock lyeth dead, and the deſire of Gods glory is caſt away, when as men ſee theſe things, can it be poſſible but they ſhould deſpiſe the Angell, yea and the Angell himſelfe doth ſee ſomething by fits and ſtarts, as the frequent complaint of his publique Sermons may teſtifie, though

he knew not the cauſe or liſt not to know it, as being more affraid of the remedy then of the diſeaſe; But it doth more evidently appeare how great contempt hee is had in by that which happened a few yeares ſince. There was one that called himſelfe by the name of *Martin Mar-Prelate*, who ſet forth Bookes wherein he dealt ſomewhat roundly with the Angell. How were theſe bitter ſects of his favour'd among the People; how plauſible were they in a manner to all men. how willingly, greedily and with great mirth were they every where entertained, there is no man ſo rude and unskilfull, but that pondering that time in his mind, would ſay thus to himſelf, and that not without cauſe; ſurely God hath made the Preiſts vile before all people, becauſe they kept not his wayes. For if the Angell had bin in any eſtimation, men would rather have ſighed and ſobbed for griefe, then have laughed for joy, yea they would rather have caſt thoſe writings into the fire, then to have worn them out with continuall reading and handling of them, and thus you ſee how he proves them to be naked alſo.

*Cit.* The very truth is Sir, I did much admire when I heard what Mr. *Brightman* ſaid concerning *Germany* and *Scotland*, but I doe much more admire at that which he hath ſaid concerning *England*, for he ſpeaks of our times juſt as they are now; for doe not our *Biſhops* and *Prelates* hang upon our Court, and frequent the houſe of my Lord *Keeper*, and all to curry favour and get promotion, and did they not the laſt yeare make ſuch a ſort of blind

blind Cannons as Mr. *Brightman* ſpeaks of, and have not theſe and ſuch like tricks of theirs made them to be reproached and contemned, you ſpake of a man who called himſelf by the name of *Martin Mar-Prelate*, who you ſay made Bookes; and in London there is much talke of a Woman who cals her ſelfe by the name of *Margery Mar-Prelate*, who either makes or prints Bookes, and as you ſay, hee dealt roundly with them, ſo I can aſſure you doth ſhe, and you would admire if you knew how greedy men are of thoſe Bookes, and are much bought up in *London*, by which it is more then manifeſt that our *Biſhops* and *Prelates* are very much deſpiſed; nay the truth is Sir, they have ſo carried themſelves, that not a man in *London* except the Papiſt or other ſuperſtitious Perſons will ſpeake any one good word of them, nay they are glad at heart when they heare any evill that either hath or is like to befall them.

*Miniſt.* Doubtleſſe this which you have ſaid is very true: but yet it is not ſo much to be admired that Mr. *Brightman* ſhould ſo hit their manners, for it ſeemes there were ſuch in his time and he ſpeaks what theſe manners were then, and of ours that are in our time, no otherwiſe then as their manners ſute with their Predeceſſors; but yet ſurely I muſt tell you that I my ſelfe have admired that amongſt ſo many *Prelates* as wee have had and ſtill have in *England*, there ſhould bee ſcarce any one theſe many years that hath differed from the common ſtraine of *Prelates* in their manners.

*Cit.* Indeed Sir that is ſomewhat ſtrange that

there being ſo many they ſhould be all alike, what ſhould be the reaſon of it thinke you?

*Miniſt.* Surely I cannot tell except we may conclude of them, as we doe conclude of the *Popes* of *Rome*, and that is when wee heare of ſo many *Popes* that have beene in *Rome*, and yet all alike, thereby we doe conclude that all of them t gether are *Antichriſt*, ſo in like manner when we heare of ſo many *Biſhops*, and yet all alike, may we not conclude that all of them together fullfilled are members of *Antichriſt*; but this is more admirable in Mr. *Brightman* writing that he ſhould foretell the miſery that is falling now upon them, Chriſt ſaith he ſhall take greater pleaſure in caſting away this Angell; and ſurely I am perſwaded that many who are true members of Chriſt doe and will take great pleaſure in hearing that our *Prelates* are caſt out from their dignities, and that they have beene and are ſtomack-ſick of them, as men uſe to be of that which they vomit again; yea (ſaith he) Chriſt will caſt out this Angell with great Reproch, and are not our *Prelats* ſo ſerved at this day? Yea, and further (ſaith he) this Angell ſhall never recover his former dignity, and ſo it is hoped it will be at this day: O (ſaid one in my hearing) the *Biſhops* are ſo caſt out, that the lower Houſe will never owne them againe.

*Cit.* Well Sir, then I perceive although you be a Miniſter, yet you are none of our Prælaticall Faction.

*Miniſt.* No, I thank the Lord I doe deteſt thoſe wayes and courſes.

*Cit.*

*Cit.* Then I hope you ſhall not be partaker with them in their puniſhment, which doubtleſſe is now comming upon them.

*Miniſt.* The Lord in mercy make them to ſee what they have done, and if they belong unto them, give them true repentance, that ſo whatſoever becomes of their bodies and States, their Soules may be ſaved in the day of our Lord *Ieſus.*

*Cit. Amen* ſay I, and the Lord give us all grace to repent, and to come out of *Babylon*, that wee be not partakers with her in her ſinnes, and receive not of her plagnes.

*Miniſt.* So ſay I with all my heart, and now Sir being come to our Iourneys end, I muſt bid you farewell.

*Cit.* Sir I give you many thanks for your good company and conference, and ſo I humbly take my leave of you, bidding you heartily farewell.

*FINIS.*

# TWO ARGUMENTS In PARLIAMENT,

## THE FIRST *CONCERNING THE* CANNONS,

## THE SECOND *CONCERNING THE* PREMVNIRE Vpon thoſe CANNONS.

By *EDWARD BAGSHAWE* Eſquire.

*LONDON*,
Printed by *George Miller*,
M.DC.XLI.

BRITISH MUSEUM

# THE FIRST ARGVMENT CONCERNING THE CANNONS.

M^r. SPEAKER,

THE order this day is to debate the legality of the Cannons only and not the Premunire, which divers have argued that the Clergy have encurred by making and publishing these Cannons; but of that of the Præmunire I shall not now speake, but when an order is made therof I shall declare my opinion.

I hold three illegallities, 1. In the Cannons, *Prime Classis*.

2. In the Oath contained in the sixt Cannon.

3. In the Cannons, *Secunde Classis*.

1. In that they are against Clergy and Laity without their common consent.

2. That they were not well created by any of the Kings Writs or Commissions to inable them to make Cannons, which were not made in a Convocation, or in anew Synod derived out of an old

Convocation, as was wittily obſerved by a noble Lord, but they were made in a meere convention of the Clergy, who had no warrant or authority to do as they did.

3. The matters contained in the ſaid Cannons are againſt the fundamentall Laws and Statutes of the Realme: In prooving all which, I will not inſiſt upon any thing that hath bin ſaid before, as fearing that I ſhall otherwiſe trouble you too long.

The firſt point that I ſhall endeavour to proove, is, that the Clergy neither ſince nor before the Sta. of 25. *Hen.* 8. *cap.*19. could ever make Cannons and Conſtitutions that ſhould bind the Clergy and Laiety without their common conſent. For the prooving whereof I muſt make uſe of a Rule put in the 1. Booke of the Pandects of *Juſtinian, Tit. 'De origine iuris. Inconveniens eſt, omiſſis principijs & origine non repetitâ illotis manibus materiam tractare,* He doth not handle, but ſlubbers a queſtion, who deduceth it not from the fountain.

And therefore I will caſt the whole Clergy, into five Stages of time, from CHRIST to this very day, and in them all I ſhall proove this point, it being the maine thing and of the greateſt concernement to the liberty of the people.

1. The firſt is from CHRISTS time till the dayes of *Conſtantine*, above three hundred years after CHRIST, in all which time there was no diſtinction, betwixt cauſes civill and Eccleſiaſticall, but both were tryed before the temporall Judges of Emperours and Kings, as appeares plainly in the Imperiall conſtitutions, neither will any *Civilian* deny it; for to ſpeake properly no cauſes that come in Judgement are ſpirituall or temporall in reſpect of themſelves: For what reaſon can any man give me, why murther tryed at this day by the temporall Judge ſhould be leſſe ſpirituall then Adultery tryed by the ſpirituall Judge, when the truth is that Adultery is farre more carnall and ſenſuall then murther is; But the true reaſon of the diference is from the graunt of Emperours and Kings, who have given Conuſans of this to the Eccleſiaſticall Judge

Judge, and of the former to the Temporall.

And the true Reaſon why Emperours and Kings in this firſt age had the Conuſans of all cauſes whatſoever, as belonging to their temporall Courts is; For that in thoſe times, there was no difference betwixt Biſhops and Prieſts in point of Juriſdiction, but they were all one, and had then no more to doe then to order the Churches by diligent and godly preaching, adminiſtring the Sacraments, beating down Hereſies and Schiſmes, *&c.*

And that this may not ſeeme ſtrange, becauſe I ſay it, though I could backe it with a multitude of Authorities, both old and new: Yet becauſe I am loath to ſpend time, I will onely cite two which are of good credit with the Clergy.

The firſt is out of the decrees of the Cannon Law compiled by *Gratian, diſtinct. 95. cap. olim.* 1

*Rubricke. Presbiter idem eſt qui: Epiſcopus: ac ſola conſuetudine præſunt Epiſcopi Preſbiteris.*

TEXT, *Olim idem erat Preſbiter qui & Epiſcopus & antequam Diaboli inſtinctu ſtudia vel ſchiſmata in Religione fierent & diſceretur in populis ego ſum Pauli: ego ſum Apollo: ego autem Cephæ: communi Preſbiterorum concilio Eccleſiæ gubernabantur, poſtquam autem decretum eſt in toto orbe, ut unus de Preſbiteris ſupponeretur, ut ſchiſmatum ſemina tollerentur. Sicut ergo Preſbiteri ſciunt ſe ex Eccleſiæ conſuetudine eſſe ſubiectos: Ita Epiſcopi noverint ſe magis conſuetudine quam diſpenſationis Dominicæ veritate Preſbiteris eſſe maiores & in communi debere Eccleſiam regere.*

The ſecond is out of Biſhop *Jewell* in the defence of his Apology, approoved by both Houſes of Parliament, and commanded to be in Churches, 2 *Par. ca. 3. Diviſ. 5.* 2.

In S^t. *Jeroms* time (ſaith he) there were *Metropolitans, Arch-biſhops, Arch-deacons and others,* but CHRIST appointed not theſe diſtinctions of orders from the beginning; theſe names are not found in all the Scriptures, This is the thing that we defend, S^t. *Jerome* ſaith, Let Biſhops underſtand *Epiſt. ad Tit c. 3.*

that they are in authority over Priests more by custome then by order of GOD'S Truth; These be S'. *Ieromes* words truly translated. And *Part. 6. cap. 9. Divis.* 1, 2. he hath these words.

I grant there be many speciall priviledges granted upon great and just considerations of the meere favour of the Prince: That a Priest being found negligent or otherwise offending in his Ministry should be convented and punished, not by the Temporall or Civill Magistrate, but by the discretion of the Bishop, yet you must remember (M'. *Harding*) that all these and other like priviledges passed unto the Clergy from the Prince, and not from GOD, and proceeded only of speciall favour and not of right; for from the beginning you know it was not so.

2. The second Stage or Tract of time, is, from *Constantines* dayes untill the Conquest, in which time the Emperours of *Rome*, and the Kings here in England gave to Bishops divers Jurisdictions and Priviledges over the Priests, which they had not before, as you may see in the Code and Novels of *Justinian*. They had likewise Conusans graunted to them of all causes concerning Matrimony and Testaments, which I could tell you by what meanes they first obtained these two, were it directly pertinent to this Point. But the Power and Right of making Ecclesiasticall Lawes were ever reserved to Emperours and Kings with the assent of the people, and not to the Bishops and Clergy.

Put out by *Lambert.*

To omit the Imperiall Constitutions of *Constantine*, *Theodosius*, *Justinian*, and other Emperours, it appeares plainly in our *Saxon* Lawes made long before the Conqueſt, by these severall Kings, *Ina*, *Alfred*, *Edgar*, *Canutus*, *Edward* the *Confessor*, &c. that all Ecclesiasticall Lawes, both concerning Doctrine and Discipline were made by them, *Cum consensu Aldermannorum & populi*, in their *Michel: Gimot*, or great Assembly, which is all one with our Parliament. Nay, to their very Councels and Synods, the Laiety did come if any matter was there handled which concerned them. Of this I could give likewise many instances, I will only name one, the Councell or Synod at *Winchester* called in the 5'. yeare of King *Canutus*

*unum*, it is there ſaid, *Perſonaliter exiſtentibus in eodem concilio duobus Archiepiſcopis & alys Epiſcopis cum eorundem ſuffraganijs, ſeptem ducibus cum tot comitibus non-nullis, Abatibus cum quam plurimis gregarijs militibus ac cum populi multitudine copioſa in eodem exiſtentibus, votis eorum unanimiter conſentientibus preceptum & Decretum eſt*, &c. And this was no other then was uſuall in other places, for the Layty to be at Councels, and Princes to ſend their Ambaſſadours to be there and to aſſent for them, if they could not be preſent themſelvs.

The third Stage or Tract of time, was from the Conqueſt till the dayes of King *Edward* the firſt, in all which time there was a great conflict betwixt the Common Law and the Popes Cannon Law: For the Conquerour comming in under the Popes Banner, and under it winning that battell of *Haſtings* in *Suſſex*, wherin he obtained the Kingdome, did ſuffer the Popes Cannon Law to be brought into the Land, which cauſed the Common Law untill the dayes of *Edw.* 1. to ſuffer the fits of an ague; for in the raigne of a ſtout and valiant King the Common Law prevailed, but in the Raigne of a weak King the Cannon Law prevailed. In the Conquerours time, though he admitted the Popes Law, yet, ſaith *Roger of Cheſter*, *Nullam Pontificis authoritatem in hoc regno admitti voluit niſi quatenus ipſe aſſenſum præberet & nil de rebus Eccleſiaſticis diſcerni voluit, niſi ipſe non ſolum intereſſet ſed præſuiſſet.* 3.

In K. *William Rufus* time, the Cannon Law prevailed more, for that K. making *Anſelme* Arch-biſhop of *Canterbury* (whom the Arch-biſhop that now is, and other of the Clergy call S. *Anſelme*, though the Records of that time make him a Traytour) He cals a Synod at *London*, takes away the inveſture of Biſhops from the Crown, and brings in a Canonicall Inſtitution and Confirmation of them from the Pope, takes away the marriage of Prieſts, *ipſe* (ſaith *Matthew Paris*) *ſacerdotibus uxores prohibuit antea non prohibitas*, and maketh other conſtitutions much prejudiciall to the Crown and people. And no marvell, for this proud Prelate at his firſt being Arch-biſhop of *Canterbury*, thus thanks the King for that favour, *Domino Papæ debeo obedientiam tibi conſilium* *Vide Antiquit' Britan.* p. 116, 117, 118, &c.

King *Hen.* 1. his Succeſſor, though he ſtrugled long with *Anſelme*, and wrote ſharpely to Pope *Paſcall*, yet he could not prevaile all the dayes of *Anſelme*, to undoe thoſe decrees

at

at that Synod, but yet after the death of *Anſelme*, to manifeſt his claime to the Inveſture of Biſhops, given to him by the Cannon Law, hee gave the Arch-biſhopricke of *Canterbury*, to *Rodolph* Biſhop of *London*; *Et illum per annulum & Paſtoralem Baculum inveſtivit, contra novi concilij ſtatuta*, ſaith *Mat. Paris*. King *Hen.* 2. to the end he might revive the antient Lawes and cuſtomes of the Kingdome, called his common Councell of all his Nobility and Biſhops, at *Claringdon* in *Wiltſhiere*, where he made divers Conſtitutions, in Reverſall of thoſe made by *Anſelme*, theſe (*Tho. Becket*, whom this King had made Arch-biſhop of *Canterbury*, from the meane ſonne of a Jew) traiterouſly oppoſed, which bred great diſſention in the Kingdome; All the Barons of that councell crying out againſt *Becket*, in theſe words, ſaith *Hovenden*, *quo progrederis proditor, expecta & audi judicium tuum.* But that valiant King, by the unhappy killing of *Becket*, was quite defeated and ſtript of the fruit and benefit of that Councell, and himſelfe put to a miſerable pennance, as it is at large deſcribed by *Mat. Paris*, and briefly touched in the caſe of premunire in the *Iriſh* reports, and *Becket* ſhortly after Canonized by the Pope for a Saint. *vid.* 19. *Hen.* 2.

*Paris Rep. fo. 91, 192*

In all King *Johns* time the ſonne of *Hen.* 2. the waters of ſtrife betwixt the King and his Clergy grew to a full ſea, his Kingdome interdited by the Pope, and himſelfe at length forced to ſurrender his Kingdome to the Pope, and his own Clergy joyning with the Pope againſt him: So that all his Raigne, the Common Law was under hatches.

But in *Hen.* 3. time his ſonne, came the good Statute of *Magna Charta*, and then thoſe waters mightily abated, and the Clergie were glad to receive all their liberties and Juriſdictions from the *Crowne*, as by graunt from that act of *Parliament*; as appeares in the firſt Chapter of that Stat. *Conceſſimus Deo & hac preſenti charta confirmavimus pro nobis & heredibus noſtris in perpetuum quod Eccleſia Anglicana libera ſit, & habeat omnia jura ſua integra & libertates ſuas illeſas.* And though it is penned in forme of a Charter, as the manner of penning Acts of Parliament was in thoſe times, yet it was a Statute of the Realme made in full Parliament, by the conſent of the Lords and Commons.

9. H. 3. c. 1.

And

And although the Clergy of England were again nibling in the 20th. yeare of *Hen.* 3. againſt the Common Law, and would fain have brought in that part of the Canon Law, concerning the legitimation of children borne out of wedlocke, telling the Peeres of the Realme in the Parliament of *Merton*; that, *Quantum ad ſucceſſionem hereditariam Eccleſia tales habet pro legitimis*, yet the Earles and Barons would not hearken to them, but, as ſaith that Statute, *Omnes Comites & Barones una voce reſponderunt, quod nolunt leges Angliæ mutare, quæ hactenuſq; uſitatæ ſunt & approbatæ.* *Stat. Merton, 20 H 3. cap. 9.*

In the latter end of the Raigne of this King the Clergy by helpe of the Pope, got head againe, and the Popes exactions upon the Crowne and the peoples liberties (for they alwaies goe together) were growne intollerable, and divers Legantine Conſtitutions of *Otho* and *Othobon*, burthenſome to the people were introduced, inſomuch that *Matth. Paris* a poore Monke that lived in thoſe dayes and the Popes *Creature*, yet by reaſon of the great oppreſſions which he then ſaw upon this Kingdome, called it *Balaams* Aſſe. And when all the Peeres and Barons of the Realme, perſwaded this King to reſiſt thoſe incrochments upon him and his people, he out of the poverty and weakeneſſe of his ſpirit, makes them this anſwer; *Nec volo nec audeo domino Papæ in aliquibus contradicere.* *Mat. Paris*

The 4th. ſtage or tract of time is from the daies of *Edw.* 1. to the 25th. yeare of *Hen.* 8. in which time the common Law began to *Recover* and get ſtrength; in all which time the Clergy could make no Lawes, Cannons or Conſtitutions, but what the common Law did allow. 4. Time.

King *Edw.* 1. by the many confirmations which he made of *M. Chart.* and the many liberties which he granted to his people by the Statutes of 25. *Edw.* 1. 33. *Edw.* 1. and 34. *Edw.* 1. as likewiſe by the ſharpe Laws which he made againſt the Popes exactions by the Statute of *Carliel.* 35. of his Raigne, he was for all theſe rightly ſtiled, *vindex Anglicanæ libertatis*, in doing thus he ſtrengthened mightily his Prerogative: for Prerogative and liberty are inſeperable, as King CHARLES truly obſerves in his anſwer to the Petition of Right, that the Prerogative is to maintain the peoples liberty, and their liberty ſtrengtheneth the *3. Caroli. Petition of Right.*

*In his Parliament speech, 1607.*

Prerogative. And King *James* his father, declaring that Kings were given for the welfare of their people hath this passage, *If you be rich, I can never be poore, and if you be happy, I cannot choose but be fortunate,* &c. And these observations proved true, and were fulfilled in this King: For never any Prince, either before or after him was more victorious and successefull then himselfe, through the riches and wellfare of his people; who upon all occasions aided him in his warres with their purses and fought his battels in their persons.

Till the 13th. yeare of this King, the Clergy had no jurisdiction in Ecclesiasticall causes properly allowed to them, but in causes of Matrimony and Testament, as may appeare by *Fitz. Nat. Bre. Fo.* 41. and by divers Records, which I have seen about the beginning of this Kings time. But in the 13th. year of this King came the statute of *Circumspecte agatis*, wherin they had Conusans of many more things, as may appeare by that Law, and though before this time they did attempt to put in ure their owne Constitutions, yet the Judges being at that time stout and resolute, alwaies sent out Prohibitions, as may appeare by the Preamble of the Statute. *Rex talibus Judicibus salutem, circumspecte agatis de negotijs tangent: Episcopum Norwici & eius Clerum non puniendo eos si placitum tenuerint in Curia Christianitatis de his quæ sunt mere spiritualia vix*, &c. and there reckons the partioular things they shall hold plea of, and of no more, and although it mentioneth only the Bishop of *Norwich*, who was in those dayes the most pragmaticall Bishop for the power of the Church, yet doth that Statute extend to all the Bishops of the land, and is so resolved in *Plats case, Plo. Com. fol.* 36.b. And although this be set downe in *Lindwoods Provincials*, to be onely an ordinance of the Church; which was the cause, that the Gentleman under the Gallery said it was only an ordinance of the Church; yet the truth is it was an Act of Parliament, as may appeare by the Statute of 2. *Edw. 6. Cap.* 13. Where it is expressly called a Statute, and so it is likewise resolved in the 4 *rep. Palmers* case, and in the 5 *report, Jefferies* case.

In *Edw.*2. time, the Clergy by petition to the King (but not otherwise) got jurisdiction in many other Causes not specified in

in the Statute of *Circumſpecte agatis*, as you may ſee in the Statute of *Articuli Cleri*. made 9°. *Edw.*2. too long to remember. Theſe two Statutes were ſo pretious with the Clergy, that they are inſerted *verbatim* in the *Provinciall* Conſtitutions of *Lindwood* as the maine part of the Church law, as in truth it is.

In King *Edward.*3. time, the Clergy got further Juriſdiction in 9. particular points not formerly graunted to them, as may appeare by the Parliament of 25. *Edw.*3. called *Statutum pro Clero*, a Statute which I have ſome cauſe to remember. It appeares in the Parliament roll of that Statute, upon what ground they demanded thoſe priviledges which the King then graunted to them, not out of right, but by an humble ſupplication to the King, in theſe words mentioned in the Roll being in French, That *pur breverence de dieu & de S^t. Eſglis & de ſa benignity*, he would graunt them all thoſe liberties they petitioned for.

In *Henry* 4^th. time, the Clergy got ſome power with that King, and made a Conſtitution, called *conſtitutio Tho. Arundel contra Hereticos*, but this Conſtitution they never durſt put in ure, till they had *coloured* it with that bloody Statute of 2. *H.*4. *Cap.*15. called *Statutum ex officio*, which in truth was no Statute, as may appeare by the Parliament Roll which I have, 2. *Hen.*4. *tit.* 48. being ſtiled; *petitio Cleri contra Hereticos*. And where it is ſaid in the Act *prelati & clerus ſupradicti, ac etiam communitates dicti regni ſupplicarunt*, theſe words *ac etiam communitates dicti regni*, are not in the Parliament Roll, and ſo was the truth, that the Commons did never aſſent to that Act, as may appeare likewiſe by the Latine Act printed in Linwood. For whereas the Act runnes in this forme of words; *Qui quidem dominus Rex ex aſſenſu Magnatum & aliorum Procerum ejuſdem regni*; &c. *conceſſit & ſtatuit*, &c. there is no mention at all of the Commons, and therefore to helpe this, the words of *aliorum procerum* are thus rendred in the Engliſh Statute now in print (and other diſcreet men of the kingdome) whereby are implyed the Commons, and whereby hundreds of Martyrs were cruelly put to death by miſtaken law, of which greevance the Commons from time to time complained in ſundry Parliaments, and never reſted till that bloody Statute was hereupon quite revoked by the Stat. of 25. *Hen.*8. *cap.*14. and the oath *ex officio*, which

*Vide* N. Br. *de Heret. Comburend* fo. 170.

which had his originall from that cruell Statute quite taken away.

In the daies of *Hen.*8. in that famous caſe of *D'. Horſey* and *George Hunne*, mentioned in 7. *Hen.*8. *Kelwayes rep.*182. It was reſolved by a kind of Committe of both houſes of Parliament at *Black-Friers*, at which the King and all his ſpirituall and temporall Councell were preſent, (as it ſeemes by that booke) where it was reſolved that no Eccleſiaſticall lawes did bind the people, but what they aſſented unto.

5. And now I come to the 5^th^. and laſt ſtage or tract of time, *viz.* 25. *Hen.*8. untill this very time. The Stat. of 25. *Hen.*8. *cap.*19. I hold to be nothing els but a declaration of what the Common law was before, and not introductive of a new law, which is the reaſon, as I conceive, that the Statute is penned in negative words, that they ſhall not make Conſtitutions and Cannons without the Kings aſſent, which may be interpreted his aſſent in Parliament, as well as his aſſent and confirmation by his letters Pattents.

2. That they ſhall not make Cannons contrary to the Kings Prerogative, the Lawes, Cuſtomes and Statutes of the land, now what can they tell what is the Kings Prerogative, the Laws and Cuſtomes of the Realme, unleſſe the Laity who have more skill then they, to judge of thoſe things, do give their aſſent. And that this ſeems to be the meaning of that Act, that the Parliament ſhould have a power in eſtabliſhing the Canons of the Clergie, it appeares by that Act in the appointing of the 32. Commiſſioners for the making of Canons; whereof 16. were to be taken from the Temporalitie out of the upper and nether Houſe of Parliament: and 16. more were to be taken from the Clergy. So that the Clergie had not that power to do it alone, without the Laity, though they had the Kings Royall aſſent thereunto.

And that the practiſe was alwaies ſo, that the Acts and Conſtitutions of the Clergy had their determination and concluſion in Parliament, appeares by theſe examples.

31 *Hen.*8. *cap.*14. The 6 Articles mentioned in the Stat. 31. *H.* 8. *cap.* 14. were debated in the Synod or Convocation of the Clergy, but were not binding to the people without confirmation in Parliament, as appeares clearly by that Act.

32. *Hen.*8. *cap.*26. The inſtitution of a Chriſtian man compiled in a book by all the

the Clergy of England, containing matter of doctrine, as likewise the Rites and Ceremonies of the Church were not binding to the people without the approbation and confirmation of the Parliament of 32. *H.* 8. *c.* 26. as appears by that Statute.

And whereas it was said under the Gallery, that the Laietie have nothing to do to meddle with matter of Religion. If he had pleased to have cast his eyes upon the Stat. of 1. *Ed.* 6. *ca.* 1. he would have found there a notable debate and dispute in Parliament by the Laitie onely against Transubstantiation, and Communion in one kinde, as may appeare in that Statute. Besides I have seene the Diary of King *Ed.* 6. written with his owne hand, wherein he hath this passage, *This day there was a notable debate in the Lower House of Parliament against the Communion in one kinde.* m s. 5. In S Th. Cottons library.

So the Statutes of 2. *E.* 6. *cap.* 21. and 5. *E.* 6. *cap.* 12. concerning marriage of Priests, gave a finall determination to that point, by a binding Law upon a debate had first in the Convocation. The Canons and Constitutions made by the 32. Commissioners upon the Statutes of 27. *H.* 8. *cap.* 15. 35. *H.* 8. *cap.* 16. and 3. *Ed.* 6. *c.* 11. were compiled 6. *E.* 6. and afterwards printed and published, and all the Commissioners names I have seen under king *E.* 6. own hand: and although they be singular good Laws, and written in excellent language, yet because they have not had the allowance of Parliament, are not received as binding Laws at this day.

Lastly, the 39. Articles of Religion, made in the Convocation 1562. were not binding Laws to the whole Kingdome, till they had their approbation and confirmation, by the Stat. of 13. *Eliz. cap.* 12. Thus have I as briefly as I could, run over the practise of all ages in making Ecclesiasticall Laws, and the reasons of their practise are briefly these, 1.

*A comparatis*, by an argument *a minori ad majus*, If property of goods cannot be taken from me without my assent in Parliament, which is the fundamentall Law of the land, and so declared in the petition of right, why then property and liberty of Conscience which is much greater, as much as *bona animi* are above *bona fortunæ*, cannot be taken from me without my assent.

Libertie of Religion and Conscience, are as I take it, within the words of *magna Charta*, graunted to me as mine Inheritance, *cap.* 29. *Nullus liber homo imprisonetur aut disseisetur de* 2. M Ch. cap. 29.

*libertatibus vel liberis consuetudinibus suis*, And liberty of Conscience is the greatest liberty.

3. It is by a necessary Consequence and deduction within the words *Imprisonetur*: for put the Case that the Clergy make Cannons to which I never assented, and I breake these Cannons, whereupon I am excommunicated, and upon a *significavit* by the Bishop, my body is taken and imprisoned by a writ *de excommunicato capiendo*, now shall I lye in prison all the dayes of my life, and shall never be delivered by a *Cautione admittenda*, unlesse I will come in, *& parere mandatis Ecclesiæ*, which are point blank against my conscience.

And thus have I proved the first and chiefest point, that no Cannons can bind the Laiety and Clergy, without consent in Parliament: and therfore these Cannons made against the Laiety, as well as the Clergy, without their assent, cannot bind.

2. Point. I come now to the 2d. point, which is this, Admitting the Clergy have power to make Cannons without common assent, The question is, whether they had lawfull authority to make these by force of the Stat. of 25. *Hen.* 8. *cap.* 19. I thinke they had not.

25 *Hen.* 8. *cap.* 19. The words of the Statute by which the Clergy have power to make Cannons, are penned in the negative: That they shall not enact, promulge or execute any Cannons or Constitutions, *&c.* in their Convocations, and which alwayes shall be assembled by authority of the Kings writ, unlesse the same Clergy may have the Kings most royall assent, to make, promulge and execute such Cannons upon, paine of imprisonment, and to make fine at the Kings will.

By which it plainly appeares, that the Clergy have no power to make Cannons but in their Convocation, and that to the making of these Cannons, there must be the Kings royall assent.

Whether this were so or no, comes now to be examined, wherin is to be observed, the severall writs and Commissions which they had for the making of these Cannons.

About the first of 1. Feb. 1639. The first writ that issued forth, was the Parliament writ, directed to every Bishop, for calling them and their Clergy, which had this clause in the latter end, *Ad consentiendum iis quæ tunc ibidem*

*ibidem de communi concilio regni noſtri divina favente clementia contigerint ordinari.*

The 20. of February following went foorth two Writs more, called the Convocation Writs, directed to the ſeverall Arch-biſhops of *Canterbury* and *Yorke*, for the election of Clerks to the ſeverall Convocations, which had theſe words in the writs, *Ad tractandum, conſentiendum & concludendum ſuper premiſſis & aliis quæ ſibi clarius exponentur tunc ex parte mam.*

The Parliament began the 13th. of *Aprill* following, and on the 15. of *Aprill* iſſued out a Commiſſion to the Arch-biſhop of *Canterbury*, to alter, amend and change the old Canons, and to make new during the Parliament; the like went to the Arch-biſhop of *Yorke*.

On the fift of May following, the Parliament was diſſolved, wherby, as I conceive the Law to be the Convocation was likewiſe diſſolved and determined, which being ſo, and no Cannons made by them all this time, then could there be no Cannons made in the Convocation, according to the words of the Statute. And therfore the 12. of May following there went foorth another Commiſſion to the Arch-biſhop of *Canterbury*, to make Cannons, *&c.* during the Kings will and pleaſure, with a proviſo contained in the ſaid Commiſſion, that the ſaid Cannons ſhould not be repugnant to the Rubricks in the booke of common-Prayer, the 39. Articles, nor to the *Doctrine, order and Ceremonies of the Church*, The like Commiſſion went to the Arch-biſhop of *Yorke*. In which Commiſſion of 12. May, there was an expreſſe Revocation and making void of the Commiſſion of 15. *Aprilis*.

So that the Commiſſion of 15. *Aprilis* being determined in Law by the Parliament, to which it referred, as likewiſe by the Commiſſion of 12. May, which abſolutely revoked it. All the Cannons that were made, and now printed were made out of Parliament, and ſo conſequently out of Convocation, and meerly by the Commiſſion of 12. May.

The 30. *June* following, comes the Kings Letters *Patents* of Confirmation of theſe Canons made by the Commiſſion of 12. *May*, in which Letters Patents, he doth in expreſſe words both

both give his Royall assent to the Cannons, and ratifies and confirmes them according to that forme of the said Statute or Act of *Parliament* of 25. *Hen.*8. Now that Statute doth only give power to the King to assent unto and confirm Cannons made in Convocation, and therfore there being no Cannons made in Convocation but afterward, the assent and confirmation of things not then in being must needs be void; for in our Law, *confirmare* is *firmum facere*, which presupposeth an entity or being of the thing that is to be made firme; for *ex nihilo non fit quid*, saith the Philosopher. And therefore the foundation failing, on which the confirmation should worke, doth cause it therby to be absolutely void; according to that rule of Law, *Sublato fundamento destruitur opus.* And so I conclude this second point also, that the Authority which should give life and being to these Cannons is void in Law.

3 Point. The third and last point is this, admitting that the Clergy had power and lawfull authority to make these Cannons, whether the said Cannons be not void in Law for the matter contained in them, and I thinke they are in that they are against the Lawes and Statutes of the Realme, and so contrary to the laid proviso in the Statute of 25. *Hen.*8.

In the debate wherof I will first consider of the Cannons, *prima Classis.*

2. Of the Oath contained in the sixt Cannon.

3. Of the Benevolence granted by the Clergy, and contained in the second booke of Cannons, all which I shall hold to be against the Laws and Statutes of the Realme.

1. Concerning the first I will only insist upon three Cannons, for the rest have bin fully spoken too, *viz.*1,12, and 13. Cannons.

For the first Cannon in making determinations concerning Royall power and property of goods, they have done against Law, and have medled with things of which they have no Conusans, for the exposition of them belongs to the Judges of the Land, and they have no more right to expound them, then the Judges have to expound Texts of Scripture. And therefore it was aptly spoken by the Atturney generall in *Harrisons* case, who was indited in the Kings Bench, *Trin.* 14. *Car.*

14. *Car.* for calling Judge *Hutton* Traitor, who there ſaid that it was his opinion, and the opinion of all *Orthodox* Divines, that if the King thought he might with a ſafe conſcience take my goods, I was to let him have them, and it was high Treaſon in me to deny him or make reſiſtance; To whom the Atturney generall replyed in theſe words, that the Prerogative of the King, and liberty of the Subject were given and defended by the Laws of the Realme, and that the Judges were the expounders of that Prerogative: And though the Clergy of England do ſeeme in this Cannon to maintaine this abſolute power, yet wee muſt know that the Kings of England never made Title to governe by it: For though king *James* in his book of free Monarchies dives further in this point then any before him; yet he determines it thus, that this abſolute power is onely between God and him, not in relation to his people in point of their government; for the ſame King ſaith in another place, that a Subject of England may challenge the King in the ſame language, as the poore widdow challenged *Philip* of *Macedon*, *Fac juſtitiam aut ne ſis Rex*; and then adds this, That thoſe Kings are either Tyrants or perjured, that govern not according to their Law; and thoſe that perſwade them otherwiſe are vipers and peſts, both to the King and Common-wealth: And I have now in my hand that Kings Proclamation for the ſuppreſſing D^r. *Cowels* booke, called *The interpreter for advancing his abſolute power to the overthrow of all Parliaments.*

*Par ſpeech An.* 1609.

A booke condemned to the fire by both houſes of Parliamẽt 7. *Iac.*

Concerning the 12. and 13. Cannons, touching the freeing and diſcharging of Chancellours and Officials from executing any Excommunication in his own perſon or any cenſure againſt the Clergy, becauſe they are Lay-men, I ſay that in doing and enacting this, they have done quite contrary to an Act of Parliament ſtill in force, in taking from them this power of exerciſing the cenſures of the Church, which that Statute gives them, which I did looke when ſome Civilians now in the houſe ſhould have maintained: And although it were to be wiſhed that only Clergy men ſhould have this power of Excommunication, and other *Cenſures* of the Church; yet ſeeing an Act of Parliament hath given this power

Stat 27 H. 8. c 17.

wer to Lay-men: It is a high presumption in them to make Cannons against it.

2. Concerning the Oath mentioned in the *6* Cannon, two things fall into question.

1. Whether the Clergy can impose a new Oath? I thinke they cannot; For I hold it for a ground in Law, that no Oath can be imposed upon the Subject, but what is warranted either by the customs of the Realme, which is no other then the common Law, or els by some Act of Parliament to warrant it: And herein the Clergy hath done more then the King doth at this day by his *Prerogative* Royall, by which he governes his people, and is part of the common Law, and differs no more from it, then *pars à toto*, called by *Bracton privilegium Regis*, by the Sta. of *West.* 1. *Droit du Roy*, by the Register, *Jus regium Corone*. Now the King doth not by his Prerogative in any of his Commissions or Letters patents, which are of greater force then Cannons, impose an Oath without some Act of Parliament to warrant it; As for example, by the Commission of *Sewers* there is power to give an Oath, but that is warranted by the Sta. of 23. *Hen.* 8. The Commission of Bankrupts gives an Oath, but that is backed by the Statutes of 13. *Eliz. Cap.* 13. and 21. *Jaco.*

So the Commission of *Charitable uses* is warranted to give Oathes by the Stat. of 43. *Eliz.* many more instances might be given, which I omit.

Nay the Oathes we take to the King, concerning his Supremacy, and our own allegiance, to which we are tied by a bond of nature, as his Liege people, yet for the imposing of these two Oathes, there are two Acts of Parliament provided, *viz.* 1. *Eliz. c.* 1. & 3. *Jaco. c.* 4.

Besides, the Clergy have no power by the Sta. of 25. *Hen.* 8. which gives them power to make Cannons and Constitutions to impose Oathes; for an Oath is no Cannon or Constitution, but a meere Collaterall thing; just as if they should have enjoyned a man to have entred into a bond of a 1000. pound to have observed their Cannons, this had beene void, and a prohibition had lyen at the common Law for it, be-

cause

cauſe this is a Collaterall thing, and a charge upon my goods, and ſo is an Oath upon my conſcience, and therefore in preſſing an Oath by vertue of their 6 Cannon, they have exceeded their authority.

The ſecond thing is, whether the matter of the Cannons be good. 2.

Concerning the matter of the Oath contained in the ſixt Cannon; divers exceptions have beene taken by thoſe learned Gentlemen that have argued before, which I will not remember, but adde foure which have not beene yet ſpoken too. 2.

1. *Exception* is in theſe words, *That I Will not indeavour by my ſelfe or any other to bring in any Popiſh Doctrine, contrary to that which is ſo eſtabliſhed*, now *That*, and *So*, being words of Relation do referre to the next Antecedent, being (*Popiſh Doctrine*) not mentioned in any part of the Oath before: So that, *reddendo ſingula ſingulis*, it runnes thus in ſence and in *Conſtruction*, *I Will not indeavour my ſelfe to bring in any Popiſh Doctrine*, contrary to that Popiſh Doctrine which is ſo eſtabliſhed, *Ergo*, ſome Popiſh Doctrine is eſtabliſhed by the Church of England. This conſtruction was ſo evident and plaine to them, that for the curing therof, though this Oath with the word (*Popiſh*) in it, and the reſt of the Cannons were confirmed by the Kings letters Patents 30°. *Junij* 16°. *Car.* yet 5^to^. *July* after, they got a Commiſſion from the King, to give this Oath, leaving out the word *Popiſh*, whereby they have made the remedy worſe then the diſeaſe, by giving an Oath which was never confirmed by the King. 4

2. The ſecond *Exception* is in theſe words, *Nor Will I ever give my conſent to alter the government of this Church by Archbiſhops, Biſhops, Deanes and Arch-Deacons*, &c. which I may fitly call a Covenant againſt the Kings ſupremacy, which I thus make good.

It is a part of my Oath of *Supremacy*, that I ſhall aſſiſt the King in all preheminences and juriſdictions belonging to his *Crowne*. Now it is a part of his juriſdiction to alter this government by his Parliament, and to appoint and eſtabliſh *Stat.* 1°. *Eliz.* c. 1.

another, which if he ſhall be ſo minded to doe, I am by this Oath not to aſſiſt him in it, I am not ſo much as to give my aſſent; wherby I doe unavoidably fall upon this Rock, that for the ſaving of my oath, I muſt deny my obedience to the King, or by obeying the King I muſt fall upon perjury: For though it be true, as the Cannoniſts ſay, that when a Law is changed to which I am bound by oath: Though, I am thereby materially diſcharged; yet formally I am bound in reſpect of my will: For if ever I actually aſſent to the alteration, I am really perjured.

*Aror. de juramento.*

3. The third *Exception* is in theſe words, *I will not conſent to alter the governement of this Church, by Arch-biſhops*, &c. as *it ſtands now eſtabliſhed, and as by right it ought to ſtand*; now to ſpeake properly, there is no governement of this Church of *England* by *Arch-biſhops, Biſhops, Deanes, Arch-Deacons*, &c. but only by the King, and they governe onely by and under him. And why the King ſhould be quite left out, ſeems a thing ſtrange to me, unleſſe they will ſay he is comprehended within the *&c.* which is a moſt unworthy place for ſo great a Majeſty.

And that the Clergy had ſome ill meaning in this omiſſion of the King out of this Oath, I have ſome reaſon more then to ſuſpect, when I caſt my eye upon ſome dangerous paſſages that are in their writings about the Kings Supremacy, advancing it higher then the King himſelfe would have them, touching the Subjects property of goods, but depreſſing it too low concerning his Eccleſiaſticall power. And this appeared lately before us by a very dangerous ſpeech of D^r. *Coſins*, who ſaid that the King ought not to be called *Supreame head of the Church*, and ſeemed to colour it by Biſhop *Iewels* opinion, which is moſt falſe. For the Act of 1^o. *Eliz.* Revives all the Statutes of *Hen.* 8. touching Supreame head of the Church: So that the King may as well be called Supreame head of the Church on Earth (for ſo are the words of the Statute of 26. *Hen.*8. *cap.*1. & 37. *Hen.*8. *cap.*17.) as ſupreame governour. Beſides the diſtinction that he uſed in this place, That Biſhops had their juriſdiction from God, *ratione officij*, but *ratione exercitij*, they had it from the King, which is both abſurd and erronious.

*Vid.* D. *Cowels* book *verbo* Parliament ſuppreſſed by K *Iames* Proclamatiõ & lately printed without authority.

It

It is abſurd, for he will not allow that Biſhops and Miniſters ſhould be all one, but by this diſtinction they ſhould, for neither of them can exerciſe their functions, but by permiſſion from the King.

It is erronious, for I doe not only ſay it, but will proove it, that Biſhops have no juriſdiction here, but from the King; for it is a knowne diſtinction among the Cannoniſts (as that learned Civilian that ſpake laſt doth well know)

That in a Biſhop there is a double power { *Poteſtas ordinis.* / *Poteſtas Juriſdictionis.*

1. *Poteſtas ordinis*, to preach, to baptize, to adminiſter the Sacraments, *&c.* this power is *iure divino*, agreeable with all other Miniſters.

2. *Poteſtas Juriſdictionis*, as to admit, inſtitute, and give mandates, to induct into Church-livings, to keepe Eccleſiaſticall Courts, to call Sinods, to viſit Churches: For which two latter we pay Sinodals and procurations to this day, and which if the ancient forme were obſerved, would be of excellent uſe at this day, for the depriving of *Arminians*, *Socinians* and other Hereticks; but as a learned Prelate writes, they are now become, *Nummorum non morum viſitationes.* D. *Boſ* Deane of *Cant:* in a viſitation Sermon.

This power of *Iuriſdiction*, ſay the Cannoniſts, is, *de iure humano*, and from the Pope, for ſo is their rule, *Epiſcopi deſcendunt à Papa tanquam membra à capite*; we in our Law ſay, that their juriſdiction is wholy from the King, and ſo it is acknowledged by themſelves in expreſſe words in the Act of Parliament of 37. *Hen.* 8. *cap.*17. an act in force at this day; *That Arch-biſhops, Biſhops*, &c. and all other Eccleſiaſticall perſons have no manner of Eccleſiaſticall juriſdiction, but by, from and under the King.

Nay this power in Biſhops to excommunicate is a power of juriſdiction and derived to them from the Pope ſay the Canoniſts, We ſay in our Law that they have this power from the King, for though Kings cannot excommunicate *miniſterialiter*, by reaſon they are Lay-perſons, as ſaith *Bracton*, *l.* 1. *c.*8. yet they may do it *authoritative*, by reaſon of their office by Commiſſion from them, Otherwiſe let any man tell me how Judges Delegate do at this day excommunicate but by Commiſſion from the King grounded upon *Azorius Lancelot. Inſtit. Iuris can.*

on the Statutes of 24. H.8. *cap.* 12. and 25. H.8. *cap:* 19. Or how doth the high Commission at this day excommunicate, but by the like authority grounded upon the Statute of 1. *Eliz.*

And therefore I do conclude this third exception, that seeing the Clergy doe seem by this Oath to derive their jurisdiction by any other right then from the King, they have hereby mightily intrenched upon the Kings *Prerogative.*

4. The fourth and last exception to the Oath is in these words, *Nor shall you ever subject it* (meaning the Church of England) *to the usurpations and superstitions of the Sea of Rome*, and doth not say the Church of Rome, wherby it containes *a negative Pregnant*; That is to say, you may not subject the Church of England to the superstitions and usurpations of the Sea of Rome; but you may subject it to the usurpations and superstitions of the Church of Rome: Now there is as much difference betwixt the Sea of Rome, and the Church of Rome, as betwixt Treason and Trespasse: and this appears plainly by the Statute of 23. *Eliza. cap.* 1. where it is said, that to be reconciled to the Sea of Rome is Treason, but to be reconciled to the Church of Rome is not Treason, for then every Papist in England should be a Traitour, being a member of that Church, and therfore reconciled to it. Now the Sea of Rome is nothing else but the Papacy or *Supremacy of the Pope*, wherby by vertue of the Cannon, *unam sanctam*, made by Pope *Boneface* the 8th. he challengeth a superiority of Jurisdiction and correction over all Kings and Princes upon Earth; and those persons which take the *Iuramentum fidei*, contained in the end of some of the editions, that I have seen of *the Councell of Trent*, which acknowledgeth this Supremacy, are said to be reconciled to the Sea of Rome.

The Church of Rome is nothing else but a number of men within the Popes dominions, or else where, professing the religion of Popery; and that the Clergy had an ill meaning in leaving this clause in the Oath thus loose, I have some reason to imagine, when I finde in their late books, that they say the Church of Rome is a true Church, and Salvation is to be had in it.

3. Concerning the Benevolence of 6. subsidies granted by the

the Clergy, I will ſpeake but a word, becauſe I have troubled you too long: It is not a Subſidy, for then it ſhould have bin by the Convocation during Parliament, as the books are, 1. *Hen.*7. 21. *Edw.*4. & 28. *Hen.*8. and as the uſe is at this day to paſſe in the Acts of Subſidy.

But it is called a Benevolence or free gift, and yet if any refuſe to pay it, he ſhall be deprived, which is a very Bull; for if men be compelled to pay it, how can it be ſaid to be a free gift: Beſides the King was not well dealt with, as I conceive in paſſing his letters Patents of confirmation of this Benevolence, dated 3°. *Auguſt.* 16. *Carol.* For upon a ſignification of his Majeſties pleaſure by the Arch-biſhop of *Canterbury*, the Docket is to this effect drawn up, May it pleaſe your Majeſty, this doth contain your acceptance of this benevolence, and your confirmation of the ſame; and yet there is a clauſe in the letters Patents not mentioned to the King in the Docket, wherby the Clergy have power to make Cannons and decrees, compelling the payment of the ſame upon paine of deprivation, and ſo they did againſt all Law to annex deprivation to offences of ſuch a nature, when as by the late excellent Lawes of Reformation, *leg. Eccleſiaſt. tit. de Deprivatione*, Miniſters are not to be deprived, but *propter horrenda flagitia*, and ſo ſaith *Duarenus* an excellent *Civilian*.

*Vid.* the Dock.

*De Miniſt. Eccleſ. tit.* 8.

And ſo M. *Speaker*, I have done with the Cannons, and conclude that they are illegall. 1. In point of originall Juriſdiction. 2. In point of *Derivative authority*. 3. In the matter and form of them, or more briefly in the language of the Schooles, they are illegall and void, *in toto & in qualibet parte*.

*FINIS.*

BRITISH
MUSEUM

# THE SECOND ARGVMENT CONCERNING THE PREMVNIRE.

M^r. SPEAKER,

I Am by the order of the House to speak this day of the penalty which the Clergy by making their late Cannons in their late convention, rather then Synod have forfeited and encurred: The time before I debated the illegallity of those Cannons, that was *de culpâ*; this dispute is *de pena*.

Illegall faults draw after them legall punishments: For there are no veniall sinnes at the common Law; I was long in the debate of the Cannons, and I feare that the weightinesse of this dispute concerning the punishment, will make me runne into the same errour. I was doubtfull at first what punishment I should fixe upon the Clergy: but considering the vote of this House, that the late

Cannons were againſt the Kings Prerogative royall, the Fundamentall Lawes of the Land, the liberty of the Subject, and divers Acts of Parliament, I ſetled my reſolutions. There is a rule in the Schooles, that *potentes potenter puniuntur*, great offenders ſhall receive great puniſhments; The Engliſh in ſhort is this, I hold they have encurred a *Premunire*, viz. All *Arch-biſhops*, *Biſhops*, *Deanes*, *Arch-deacons*, &c. which conſented to the making of them; which that I may diſtinctly and clearly prove, I will divide all that I have to ſay upon this matter into 4. parts.

1. What a Premunire is.

2. The originall ground and cauſe of a Premunire.

3. The grounds and reaſons in Law why the Clergy have in this caſe incurred a Premunire.

4. An Anſwer to the Objections that are made againſt a Premunire; eſpecially by three Civilians now in print.

*Cic. 1. offic.* 1. Concerning the firſt, it is a rule taken by that excellent Oratour, that *omnis rei inſtitutio à definitione proficiſcitur*, hee that would handle a thing fully muſt define it truely.

Now a Premunire takes its name from the words of the Writ called *Premu: facias*, about the end of the Writ, *videlicet*, *Pracipimus tibi, quod per bonos & legales homines de balliva tua premu: facias*, J. D. *& Abettores ſuos*, &c. *qd. ſint coram nobis à die paſche in quindecim dies*, &c. *ad reſpondend. nobis de contemptu*, &c. *in exhæredationis Corone noſtre periculum manifeſtum*, which is in ſence and meaning, though not ſo ſtrong and ſignificant as *premonere facias*; For the expounders of the Civill and Cannon Lawes confound both words according to the *Proverbe*, *premoniti ſunt premuniti*.

*F.N br.* 152.

But this Writ of *premu.* is better underſtood by the Statutes on which the ſame is founded, *viz.* 25. *Edw.* 3. *c.* 22. & 27. *Edw.* 3. *cap.* 1. *de proviſoribus*, 16 *Rich.* 2. *cap.* 5. which Statutes were made for the correction of the incronchment of the Pope and his Clergy upon the Crown and Laws of England, Upon all which Statutes and bookes of Law, I thus define a *premu.*

A

A *premu.* is a defence of the Crown and Laws of the Land from the tyrrany and oppreſſion of ſpirituall Juriſdiction, either forraine in the Pope, taken away by the Stat. of 1. *Eliz.* or at home by the Clergy in the Eccleſiaſticall Courts, wherby is incurred this penalty of being put out of the Kings Protection, loſſe of lands and goods, and perpetuall impriſonment. Definition

This may ſeeme a ſharpe and ſevere puniſhment to be inflicted on Clergy men, but when the reaſons and grounds of Law are conſidered, and how the Kings of *England* were neceſſitated to it, the ſharpnes of the puniſhment will not ſeem ſtrange to any, which is the ſecond head of my diviſion, and which I now come unto.

2. Concerning the originall cauſe and ground of the *premu.* it ariſeth from the oppoſition and Antipathy betwixt the Common and the Cannon Law, or the Law of God, and the Law of the Pope; the Common Law being derived from the one, and the Cannon Law from the other, which makes the oppoſition as great, as betwixt CHRIST and Antichriſt, which hath in all ages (as I could ſhew you) cauſed a hatred of our Law, and of the profeſſours therof, from the Clergy and profeſſours of the Cannon Law.

And that this may not ſeeme ſtrange, I will very briefly in honour to the Common Law, prove and maintaine that it is derived from the Law of GOD, and is the neareſt unto it of any Law in the world, which King *James* hath largely prooved in a Parliament Speech of his, 1607. but yet I will give 2, or 3. inſtances more. 34. H. 6. fo 40.

It is thus ſaid by *Priſot* chiefe Juſtice of the Common-pleas, *ley denglitre eſt fondu ſur le ley de dieu*, which being tranſlated out of our Law-French into better Engliſh is thus, the Law of England is founded upon the Law of God.

*Ley de tre & ley de dieu ſont, tout un per Fineux* chiefe Juſtice of England, that is, the Law of God, and the Law of the Land are all one. 7. H. 8. 191 Kell.

*Pollard* to the ſame purpoſe: But it will be ſaid, that this was onely the opinion of Lawyers, and every one will be ready to commend his own profeſſion, and therfore I ſhall go much higher. 12. H. 8 f. 2

In the yeare of CHRIST about 169. *Lucius* a King of England was the first Christian King, and the first annointed in all the world, and presently after he was converted to the Faith, sought how to governe his people by good Lawes, and finding that the Romane Lawes were then the most famous in all the world, sent by his Letter to *Elutherius* then Bishop of Rome, for a coppy of those Lawes; that godly Bishop (for so the Bishops of Rome then were, and long after) wrote an answer of his Letter to this effect, *Petistis à nobis leges Romanas vobis transmitti*, &c. *leges Romanas reprobare possumus, legem Dei nequaquam*, &c. *Habetis penes vos in regno utramq́ paginam, ex illis sume legem, & per illam rege vestrum Brittanniæ Regnum, vicarius enim Dei estis in regno*, &c. as may appeare more at large in the Lawes of S^t. *Ed. cap.*17. compiled by *Lambert*, where the letters are set downe at large; and therfore King *James* had good cause to say, That the Lawes of *England* were framed as neare as could be to the Judiciall Lawes of *Moses*.

And this affinity which our Law hath to the Law of God, hath beene the cause (as I conceive) of that contention betwixt our Law and the Cannon Law, which hath beene like to that of *Hagar* contending with her Mistris, and hath received divers times the same doome, *Cast out the bond-woman and her sonne*, as I could proove by many presidents, which for brevity I omit. And as the contention and opposition increased, so did the punishment, as may appeare in these foure particulars.

1. The first punishment upon the Clergy was prohibition onely.
2. The second was, a prohibition with a pain.
3. The third was, by fine and imprisonment.
4. The fourth and last (when none of the rest would do good) was by a Premunire and there it ended.

1. For the first, It is observable that the first newes of the Cannon Law here in England was, *Anno* 1150. xvj. *Steph. Reg.* compiled by *Gratian*, and called the Popes Decrees, but came to us here in England by a wile, under another name, called *Rogationes*, and intreated to be received of us under the pretext

pretext of Holineſſe, becauſe of the faſting and Ember-dayes, tending to faſting and prayer, which thoſe Lawes ſeemingly contained, and hence the Ember before Whitſuntide is called the Rogation weeke from that name. But King *Stephen* finding them pernicious to the native Laws of England, gave them this welcome and entertainment, for ſaith *Roger Bacon*, *Rex Stephanus allatis legibus Italiæ* (meaning the Cannon Lawes) *publico edicto prohibuit ne ab aliquo retinerentur.*

2. When this prohibition would doe no good, but other Cannon Lawes were thruſt upon us in the time of *Hen.* 2. as the Decretall Epiſtles, under Pope *Gregory* the ninth, from which that flaming Law of burning Hereticks was firſt hatched, a ſharper puniſhment was deviſed by *Hen.* 3. 19. of his raigne, againſt the Civill and Cannon Lawes, Prohibiting the uſe of them here in England under a ſevere paine, as Lawes that were derogatory to the ſupreame Majeſty and independancy of the Crown of England.

3. After theſe Decretals, the Extravigants of *Boneface* the 8th. were brought into this Kingdome, which were ſo injurious to the Soveraignty of Kings, that whoſoever ſhall but reade one of thoſe Lawes, called *unam Sanctam*, will ſay that either a King of England muſt lay downe his Crowne, or quite abandon thoſe Lawes: Whereupon *Edw.* 1. taking care to preſerve the Crowne and the liberties of his people, did in the third and ſixt yeare of his Raigne iſſue out divers Inquiſitions, to enquire of the Juriſdiction of the Clergy, which at that time was limited chiefly to matters of Matrimony and Teſtament, untill the Stat. of 13. *Edw.* 1. called *Circumſpecte agatis*, inlarged their power and Juriſdiction in many more particulars. *Fitz.* N. B. 49.

One of thoſe Inquiſitions, *Ao.* 6. *Edw.* 1. I will only mention inſtead of many, which was taken at *Lanneſton* in *Cornewall* before *Roger Loveday* and *Walter de Wyburne*; Theſe two were to enquire of *Walter* Biſhop of *Exeter*, for drawing the Kings Subjects into his Court, and holding plea, *de debitis & catallis quæ non ſunt de Teſtamento & Matrimonio*, and for making them enter into bond and a new oath, *quod ſibi in omnibus*

*nibus adhærebunt & per omnia* (ſuch another new fangled Oath as was in the late Cannons) and this is in the Record alledged to be *in læſionem Coronæ, exheredationem & deſperationem manifeſtam quæ ulterius ſuſtinere nolumus nec debemus*, and it was adjudged that the Biſhop ſhould for this offence, make ſatisfaction to the King.

21. *Edw.* 1. *Par. Rolls tl.* 17. *m.* 3. *indorſ. Jo:* Archbiſhop of *Yorke*, excommunicated two of the Biſhops of *Durhams* ſervants, named *William Willicon* and *John Rowman*, for keeping poſſeſſion of ſome of the lands of the Biſhops of *Durham*, to which the Archbiſhop pretended a title. This being a high offence againſt the Stat. of *Circumſpecte agatis*, newly granted to the Clergy but a little before, received this Judgement in Parliament.

Firſt, That the Biſhop ſhould be impriſoned.

Secondly, Should make a ſubmiſſion to the King, and

Thirdly, Should pay 4000. Marks fine, which was a mighty ſumme, whenas in thoſe daves, the price of an Oxe was but 5 *ſh.* as appeares in the end of the 25. *cap.* of the Stat. of *Weſtm'.* 2. made 13. *Edw.* 1. *tit. aſſize.*

Fourthly, When the Clergy would take warning by none of theſe examples, the Kings of England were forced to make theſe ſharpe Lawes of Premunire that I mentioned before, and to ſay to them in the language of *Salomon* to rayling *Shimei*, (for ſo was the Cannon Law to the Kings of England:) *keepe *at home in your owne place, if once you paſſe over the brooke* Kidron, *your blood be upon your owne head.* So the Kings of England ſpake by their Lawes to the Clergy, *Keepe within your owne bounds, given you by the Lawes of England: if once you paſſe thoſe bounds, and trench upon the prerogative of the Crowne, and liberties of the people, your blood be upon your owne heads.* For that was the price of a premunire in thoſe daies; for untill 5°. *Eliz.* it was lawfull for any man to kill one that was attainted in a Premunire: as it was to kill a Wolfe or a wild Dog: for ſaith our Law, a man attainted in a Premunire; did *caput gerere lupinum*: but now by that mercifull Stat. of 5. *Eliz. cap.* 1. it is unlawfull for any to kill a man attainted in a Premunire, and ſo I conclude the ſecond part of the diviſion.

* 2 Kin. 2.

I

I come now to the third, which is the maine and principall point of this Caſe, namely, to ſhew the ground and reaſons of Law, why the Clergy have in this particular caſe, in making Cannons, and forcing the execution of them upon the people by the cenſures of the Church, incurred a Premunire: which Grounds of Law are three. 3.

Firſt Ground is this, Clergie-men which only by Law have a ſpirituall Juriſdiction, if they ſhall exerciſe a Juriſdiction within the Kingdome, which only belongs to the Kings temporall Courts and not to their eccleſiaſticall Courts, they doe an act herein againſt the Kings Supremacy and Royall Prerogative, and ſo incurre a Premunire. The Bookes in our Law to prove this ground are many, which for brevity ſake, I will only quote the authorities of Law, without putting the Caſes at large, becauſe I have much more to ſay: *N. Br.* 152. 5. *Edw.* 4. *fol.* 6. 11°. *Hen.* 7. *Bro. præm.* 12. 44°. *Ed.* 3. fo. 36°. 15°. *Hen.* 7. *per Fineux.* 9. *Edw.* 4. *D.* & St. *lib.* 2. *cap.* 24. & *cap.* 32.

The Reaſons of this ground are three.

By this meanes an act is done againſt Royall Majeſty, that is ſaith the Booke, 5. *Edw.* 4. *fol.* 6. againſt the Common Law, wherein is to be noted, that there is a mutuall dependance betweene the Kings Prerogative and the Common Law, that to violate the Common Law, is to doe an act againſt the Kings prerogative, and to violate the Prerogative, is to doe an act againſt the Common Law: with this agrees King *James*, in an excellent Parliament ſpeech of his, *Anno* 1609. Wherein he takes an occaſion to magnifie the Common Law, as moſt beneficiall to his Prerogative, and to deſpiſe it ſaith he, is to deſpiſe the Crowne. 1. *Reaſon*

2. Reaſon is given by *D. St. lib.* 2. *cap.* 32, that when debts and treſpaſſes, and ſuch other temporall matters are handled in the ſpirituall Courts, the King looſeth his fines and amercements, and ſuch other duties due to him upon originall writs of Debt, Treſpaſſe, *&c.*

3. Reaſon is given by the Stat. of 25. *Edw.* 1. *cap.* 4. 34. *Edw.* 1. *cap.* 6. by which Stat. *Magna Charta* is appointed to be read in all Cathedrall Churches twice every yeare, and excom-

excõmunications are then solemnly to be denounced against all infringers of the same, now there is no such infringment of liberty, as to draw the subject into the Spirituall Courts by Cannons made by them, contrarary to Law and the liberty of the Subject, graunted to them by that great Charter. But the Rule is, *longum iter per precepta, breve per exempla.* I will therefore give you some examples and presidents, Three against Bishops, and two against Convocations themselves in the point of Præmuniries.

1. *Prec.* The first is *Hil* 25. *Hen.* 8. *Rot.* 15. *Cor. Rege Richard. Nix* his Case, the blind Bishop of *Norwich*, who for citing *ex officio Richard Cockrall* Major of *Thetford* into his Court, for taking a presentment of a Jury in the Majors Court, who found that by an antient customes and usage, none ought to be sued out of the Deanry of *Thetford* for any ecclesiasticall matter, and that if any did sue any Citations elsewhere, he was to pay a noble, For receiving this presentment, the Major was sued in the Bishops Court: for which *Hales* then the Kings Atturney did prosecute the Bishop in a premunire, of which he was attainted, part of whose fine did goe to the glasing of the windowes of the Kings College Chappell in *Cambridge.*

2. President is, *Trin.* 36. *Hen.* 8. *Rot.* 9. *Cor Rege, Anthony Buckley* Bishop of *Bangor*, was prosecuted in a Premunire by *Whorewood* the Kings Atturney generall, for holding plea of right of Patronage, and of the sale of Corne and graine sold to *Rice Ween, John ap Hugh* and *Tho. ap Hozll*, and divers others, for 21$^{lb}$. upon severall specialties, which are matters only triable in the Kings Temporall Courts, did likewise incurre a Premunire, and was thereupon attainted, and his lands and goods forfeited.

3. President was likewise in the Case of another Bishop of *Norwich*, called *William Bateman*, who meerely for visiting the Abbey of S. *Edmundsbury*, discharged antiently by divers Charters of Episcopall visitations (the Abbot thereof being *mitratus Abbas*) was for this offence fined to the King in 30. talents of gold, which amounted to the summe of 3000$^{lb}$. and here by the way, being upon the president of a Bishop of *Norwich*, I crave leave before I goe to other presidents to observe

obſerve this one note, I doe finde that in all ages, the Biſhops of *Norwich*, above all other Biſhops in the Kingdome, were moſt active and pragmaticall, in advancing the eccleſiaſticall Juriſdiction, and perſecuting the Miniſters of GOD: To give you one inſtance inſtead of many, it was a Biſhop of *Norwich* that was the firſt author of ſpilling the blood of the firſt Martyr we had here in England, named *William Sawtree*, that was burnt to death by the Writ *de Heretico cumburendo*, mentioned in the Regiſter, in *Fitz. N. B. fo.* 170. Where the very Name of *William Sawtree* is expreſſed in the Writ, who was Parſon of S. *Margarets* in *Linne*, in the Dioceſſe of *Norwich*, and was convicted before the Biſhop for the Doctrine of CHRIST, which was then counted Hereſie, and by him delivered over to *Thomas Arundell* Archbiſhop of *Canterbury*, who cauſed him to be burnt to aſhes, and if the Biſhops of *Norwich* doe thinke this any praiſe to them, let them rejoyce in it: I ſhall only ſay this for the honour of that *William Sawtree*, and of *Pembrook*-Hall in *Cambridge*, above any Colledge either in *Oxford* or *Cambridge*, that *Martyrum primus*, which was this *William Sawtree*, *Martyrum doctiſſimus*, which was Biſhop *Ridley*, and *Martyrum piiſſimus*, which was *John Bradford*, were all of *Pembrook* Hall.

I come now to give preſidents, wherein the whole Convocation were attainted in a Premunire, which are two,

The firſt is 7. *Hen.* 8. *Kell. Rep. fo.* 181. The Abbot of *Winſcombs* caſe, which hath beene ſo often cited in this Houſe, but I ſhall only urge it to this one point, That the Convocation for meere citing *ex officio*, D. *Standiſh* for maintaining the Kings Prerogative and the Lawes of the land, that Prieſts ought to anſwer before temporall Judges, contrary to the tenent of the Clergy and the Abbots Sermon at *Paules-Croſſe*, The whole Convocation for this very act incurr'd a Premunire by the reſolution of all the Judges of England aſſembled together by the King for their opinions in that Caſe. 1.

The ſecond preſident is that of Cardinall *Woolſey*, which I firſt cited in Doctor *Coſens* his Caſe, and is full to this point, 2.

it is *Mich.* 21. *Hen.* 8. *B. Roy.* and the maine point of the Premunire was this, *Quia ipse intendebat antiquissimas Ang. leges penitus subvertere & enervare, universumq; regnum Angl. legibus Civilibus, & earundum legum Canonibus in perpetuum subjugare.* This was found against him, and he was attainted in a Premunire, though he had the Kings Commission for what he did, and the King made meanes to the Pope to make him a Cardinall, and gave way that two Crosses should be carried before him, one as Cardinall, and the other as Archbishop of *Yorke*. These *Leges Civiles* mentioned in that Record, were the Legantine Constitutions exercised by the Cardinall and all the Bishops of England, in all their severall Dioceſſe, which though it had the countenance of the Kings Commission to warrant, yet that was found no excuse for so unjust an act, for both Cardinall and all the Bishops of the land, were adjudged to have incurr'd a Premunire, and therefore all the Bishops did for their pardon of the said Premunire, in their Convocation being then assembled and in time of Parliament, pay the King a huge masse of money, namely the Province of *Canterbury* paid the King 100000lb. the Province of *Yorke*, 18840lb. and the Cardinall himselfe forfeited to the King, all his goods and Chattles, and all his lands and tenements, as *Whitehall, Hampton Court, Christ Colledge* in *Oxford*, &c.

This case doth justly agree with this Case before us, for here the Convocation have made Cannons, and added severe punishments to them, contrary to the Kings Prerogative, and the Lawes and Statutes of the Realme, which I made appeare in my Argument concerning the Cannons, and therefore I will not speake of them now, but will give you two instances which I did not mention then.

1. The first is in the first Cannon, by decreeing men to be punished in the High Commission, for teaching contrary to their explanations of Royall power and propertie of goods, being two things, of which the interpretation doth not belong to them, but to the Common Law, and to the Judges which are the expounders thereof. Besides, they had no authority in the world to punish men in the High Commission for such things, for the last Letters Pattens of the High Commission, were

were *Mich.9. Car.* in which are conteined all things wherein the Commiſſioners were to meddle. And therefore it was impoſſible that theſe new Cannons, being made not a yeare agoe, ſhould be comprehended in thoſe Letters Pattents, of which the Framers thereof could not poſſibly take notice, unleſſe they had the Spirit of propheſie, which is not to be imagined, and therefore it was a bold attempt upon the Kings Prerogative, to order men to be puniſhed by vertue of his Commiſſion which gave them no ſuch authority.

The ſecond Inſtance is in the Cannons which they made for the payment of the Benevolence of the 6. Subſedies, which they ordered Clergy men to pay, upon the ſevereſt cenſures of the Church, as ſuſpenſion, deprivation, excommunication, *&c.* with this clauſe added, *omni appellatione ſemota*, that is, without any manner of appeale to be allowed, which is a flat deniall of the Kings Subjects to have the benefit of Law, for in their owne Law appeales are to be allowed from the Ordinaries Court to the Metropolitan, from the Metropolitan to the Pope, and ſuch authority in appeales as the Pope had, is now given to the King and his Judges *Deligats* by the Statutes of 24. *Hen.* 8. *cap.* 12. 25. *Hen.8. cap.* 19. But in this caſe all appeales to the King are denied, and his Subjects muſt not only be excommunicated, but deprived of their free holds, and denied all benefit of appeale to helpe them, which is a high point of Uſurpation upon the Crowne and the Lawes of the land, and an exerciſing of an Arbitrary power of their owne, above and againſt Law. 2.

The Second ground of Law, why the Clergy in the Convocation have incurr'd a Premunire, is this, If the King by his Commiſſion gives power to ſpirituall Judges to doe ſuch and ſuch acts, qualified by a proviſo to be done in ſuch and ſuch a manner, and with ſuch reſtrictions and limitations as are contained in that proviſo, and thoſe Judges will by colour of ſuch Commiſſion, doe acts contrary to ſuch proviſoes and limitations, they do hereby incurre a Premunire. 2 *Ground*

As for example, the King by his Letters Pattents, appoints one to be a Biſhop, and limits the *Deane* and *Chapter* to Chuſe,

and the Arch-biſhop to conſecrate him within 12. dayes and they do contrary to this limitation, they do hereby incur a Premunire, as may appeare by the Stat. of 25. *Hen.*8. *ca.* 20.

So by the Stat: of 1. *Edw.* 6. *cap.*2. before the Stat. of 1. Queen *Mary*, which repealed that Sta. of *Edw.*6. all Biſhops were to keepe their Courts by Commiſſion from the King, and not in their owne names, and the acts of the Court, to be under the Kings ſeale, and not under the Biſhops, and if they did the contrary they were to incurre fine and impriſonment in nature of a Premunire.

To apply this to our caſe, the Kings Commiſſion for the Clergy to make Cannons in their pretended Synod, did beare date 12. May laſt paſte, being ſeven dayes after the diſſolving of the laſt Parliament, in which Commiſſion there was an expreſſe proviſo, that no Cannons ſhould be made,

1. Contrary to the Rubrick.

2. Contrary to the 39. Articles of Religion.

3. Contrary to the Orders and Ceremonies already eſtabliſhed, and yet as if they would do things purpoſely againſt the Kings Commiſſion, the Cannons that they made were contrary to all theſe.

Firſt, They were contrary to the Rubrick, of which, becauſe I will not be over-tedious, I will give but one inſtance, *viz.* the Rubrick before the Communion, confirmed by Act of Parliament; where it is expreſſely ſaid, that the Communion Table ſhall ſtand in the body of the Church or Chancell, and the Prieſt ſhall officiate at the North-ſide of the Table, by theſe Cannons, *viz.* the 7. Cannon, the Table is to be at the Eaſt end of the Chancell, to ſtand Altar-wiſe, and the ſides of the Table are to ſtand Eaſt and Weſt, and not North and South, and it is there called Altar and not Table, and men are injoyned to kneele at the Table, ſo removed, all contrary to the ſaid Rubrick; and though this may ſeem but a light matter, yet when I ſhall open to you the Reaſons of this upon the firſt Reformation, it will appeare to be a matter of great weight and conſequence; for the people were in the time of *Edw.*6. who began our Reformation of Religion, addict-

addicted to groſſe Idolatry, by holding the opinion of tranſubſtantiation, and by upholding that abominable Idoll of the Maſſe, in the Adoration of the Hoaſt, and the way then deviſed to reduce them from Idolatry, was by this meanes.

First, King *Edw.6.* did by his injunction cauſe all Altars to be pulled downe, and moveable Tables of wood to be in their Rooms. 1.

Secondly, he did appoint that the Sacrament ſhould be no more called the Sacrament of the Altar, but the Communion of the body and blood of CHRIST, and that the Table on which the bread and wine did ſtand, ſhould be called a Table and not an Altar, as may appeare by the Stat. of 1. *Edw. 6.* Cap. 1. 2.

Thirdly, He did appoint the Table to ſtand in the body of the Church by his Common-prayer Booke, 5^t^. *Edw.6.* to the end that the people might forget their adoration at the place where it ſtood before. 3.

Fourthly and laſtly, To take away all manner of Superſtition, he cauſed a declaration to be made of the ſence and meaning of the Church of England, for the geſture of kneeling at the Communion, which is ſet downe at large in the Common-prayer Book, which was ſet out, 5. *Edw.6.* which becauſe it hath given ſatisfaction to the Conſciences of many hundreds, and is now left out of our Common-prayer Books, I will take the boldneſſe to reade it to you word for word, as I find it in that Rubrick, becauſe it is of ſingular uſe. 4.

Although no order can be ſo perfectly deviſed, but it may be of ſome, either for their ignorance and infirmity, or els of malice and obſtinacy miſconſtrued, depraved and interpreted in a wrong part, and yet becauſe brotherly charity willeth, that ſo much as conveniently may be, offences ſhould be taken away, therfore we willing to doe the ſame: Whereas it is ordained in the Book of Common-prayer, in the adminiſtration of the Lords Supper, that the Communicants kneeling ſhould receive the holy Communion; which thing being well meant for a ſignification of the humble and grateful ac-

knowledging of the benefits of CHRIST given unto the worthy receiver, and to avoid the prophanation and diſorder, which about the holy Communion might els enſue, leaſt the ſame kneeling might be thought or taken otherwiſe, we do declare that it is not meant therby, that any adoration is done, or ought to be done, either unto the Sacramentall Bread and Wine, there bodily received, or unto any reall and eſſentiall preſence there being of CHRISTS naturall fleſh and bloud; for as concerning the Sacramentall Bread and Wine, they remaine ſtill in their very naturall ſubſtances, and therfore may not be adored, for that were Idolatry to be abhorr'd of all faithfull Chriſtians, and as concerning the naturall Body and Blood of our Saviour CHRIST, they are in Heaven and not here, for it is againſt the Truth of CHRISTS true naturall Body to be in moe places then in one at one time.

2. Secondly, the 7. Cannon (to name no more) is againſt the 39. Articles which are confirmed by the Parliament 13. *Eliz. cap.* 12. which I prove in this manner, the 35. Article doth maintaine the Books of Homilies to containe good and wholſome doctrine; now the ſeventh Cannon approoving of the bowing in Churches and at Communion Tables is expreſly againſt 3 Homilies of the Church of Eng. *viz.* 1. *The Homily of the right uſe of the Church.*

2. The *Homily of repairing the Church.*

3. And the ſecond and third *Homilies of the perill of Idolatry*; In all which Homilies you ſhall finde theſe paſſages,

1. That Images and Idols are all one.

2. That Altars and Images are one.

3. That Idolatry is to Images in Temples an inſeperable accident.

4. That in time of Common-prayer, private devotion is not to be uſed.

5. That the true ornaments of the Church, conſiſt in preaching, prayer, due adminiſtration of the Sacraments, *&c.* and not by any outward Ceremonies, or coſtly and glorious decking of the Houſe of GOD with gold, *&c.* occaſioning men thereby to commit moſt horrible Idolatry.

6. That

6. That the Church is called holy, not of it ſelfe, but becauſe GODS people reſorting thereunto are holy, with divers more paſſages in thoſe Homilies to that purpoſe, whereupon I inferre, that in aſmuch as the 7. Cannon and other Cannons are oppoſite to theſe paſſages, they have made Cannons againſt the 35. Article of Religion, and ſo have done contrary to the Proviſo in the Commiſſion.

Thirdly, By the 7. Cannon, and other their new Cannons they have done againſt their Commiſſion, in that they are againſt the Ceremonies of the Church of England now eſtabliſhed ſince the Reformation. For by the 82. Cannon in the Cannons 1. *Jaco.* the Table is to ſtand in the body of the Church or Chancell, to the end that the greater number may communicate at the Table, and the Miniſter may be the better heard and ſeene: But by the ſetting of the Table at the Eaſt end of the Chancell, the greater number cannot communicate, and the Miniſter in divers places cannot be heard or ſcarcely ſeene, whereupon I conclude this ſecond ground of Law, that becauſe the Clergy have done ſo directly againſt their Commiſſion from the King, they have thereby incurred a Premunire.

The third Ground of Law wherewith I will conclude the third part of my diviſion is this. 3 *Ground*

The Common Law of England, which as King *James* ſaith, is in its own principalls the juſteſt Law in the world, ſhould not in our caſe be juſt (the Clergy themſelvs being Judges) if they of the Convocation ſhould not incurre a Premunire.

As it is a rule in Art, *Contrariorum contraria eſt ratio*, in reſpect of the Subject, ſo there is another rule in Art, *Contrariorum eadem eſt ratio*, in reſpect of the Analogy and proportion; for doe but obſerve what they doe againſt us in the *Provinc. Conſtitut. cap. de ſententia excom.* (which is good Law with the Clergy) you ſhall find theſe words, *Excommunicantur omnes illi qui literas impetrant à quacunq; curia laicali ad impediend. proceſſum Eccleſiaſt. Judicum in cauſis quæ per ſacros Canones ad forum Eccleſ. pertinent.* Nay ſo high they go in their advancement of their Eccleſiaſticall Juriſdiction, that in the ſaid

ſaid Conſtitutions, *capite de panis*, it doth appeare, that if the King do by writ or other command call a Biſhop to anſwer in his temporall Court, and the Sheriffe execute thoſe writs by diſtreſſe or attachment, *&c.* The King indeed is in point of good manners admoniſhed by them, 1, 2, 3. according to forme, but if he will not then deſiſt, but *in ſua duritia perſeverare* (for ſuch rebellious words they have) the King, his Officers and Miniſters, his Mannors, Caſtles, Cities, Burrows, *&c.* are hereby expoſed to excommunication and interdiction, which how terrible it was to the Kingdome of England may appeare in the example of King *Iohn*, who was excommunicated, and his Kingdome interdicted by his owne Biſhops, all the Church doores in the Realme locked up, and marriages, chriſtnings and burialls denied to all his people.

To apply this to our caſe. If the King and his people are thus uſed by the Clergy for the maintenance of their own Lawes as to exclude them from Heaven, from the Church, and from Salvation, for ſo are excommunicated perſons, *tanquam Ethnici & publicani*, it is then moſt juſt for the King, to exclude the Clergy from the protection and benefit of his Laws, when they ſo incroach and intrench upon them, according to that ancient rule of Law, *Fruſtra legis auxilium invocat qui in legem committit:* And ſo Mr. SPEAKER, I have done with the third and maine part of my Diuiſion and come to the fourth and laſt, which is the anſwer of Objections mooved principally by three learned *Civilians* (for ſo I muſt account them) Doct. *Cowell* in his Interpreter *verbo præmunire*, a booke ſuppreſſed by Parliament, and King *Iames* Proclamation, but of late reprinted, Doct. *Coſins* Deane of the Arches in the time of Queene *Elizabeth* in his Apology for Eccleſiaſticall proceedings, and Doct. *Ridley* vicar generall in the time of King *Iames*, in his view of the Civill and Canon Laws.

Fourth part 1. *Ob.* The Objections are ſix. The firſt Objection is this; the Law of England, ſayth *Civilians*, doth not impute Premunire to any ſpirituall Judge, dealing in a temporall matter, but onely prohibition.

To

To this I answer, that it is a fallacy, *ex ignoratione Elenchi*, as Logitians call it, that is a meere mistake of the Question, for the difference in our Law, is this; where the spirituall Court hath jurisdiction and where not, as for example, The spirituall Court hath jurisdiction of Tithes, and yet if it hold plea, *de grossis arboribus*, that is of Timber-trees above 20. yeares growth, contrary to the Stat. of *silva cædua*, 45. *Edw.* 3. *cap.* 3. there a prohibition onely doth lye, because the Court hath jurisdiction of Tythes; but when the spirituall Court hath no jurisdiction at all, as in debt, trespasse, &c. there a premunire doth lye. So is *D.* and *St.* which I quoted before, and 24. *Hen.* 8. *B.* Prem. 16. and divers other authorities in Law. *Answ.*

It is said by the Civilians, that *Curia Romana aut alibi*, mentioned in the Statutes of Premunires, which I cited before, must not be meant of any Courts here in England, but of the Popes Courts, which he kept sometimes at *Rome*, sometimes at *Avignion* in *France*, and sometimes at *Bonony* in *Italy*, and therefore must be ment of those Courts, which the Pope kept beyond Sea, and not at *Rome*. 2. *Ob.*

It is a vain Objection, for *alibi* doth not referre to the place, but to the Court; for whersoever the Pope is, let him be at *Rome*, at *Avignion*, at *Bonony* or in *England*, &c. There is *Curia Romana* whersoever he is, and therfore *alibi* must needs be ment of some other Ecclesiasticall Court then the Popes Court, and so is it expounded in old *N. B. fol.* 152. & 5. *Edw.* 4. *fol.* 6. and divers other books of Law; and therefore in some of the Records which I cited before, the word *alibi* is thus interpreted, *In Curia Romana aut aliqua alia Curia Christianitatis*, and that is certainly the meaning of the word *alibi*, as may appeare by the pleading in the old booke of Entries 430. *Præcipit. I. R. machinans Dominum Regem nunc coronam & dignitatem suam exhæredare, & cognitionem quæ ad curiam Domini Regis pertinet ad aliud examen trahere:* for that indeed was the only mischief to draw the Kings Subjects for temporall matters to a tryall in the Ecclesiasticall Courts of which they had no cognizance. *Answ.*

The spirituall Courts should in this case, say they, bee worse 3. *Ob.*

worse then an inferiour Court Baron, for there no Premunire doth lye, if the Lord doth hold plea of actions above 40ˢ.

*Answ.* This is another fallacy, which Logicians call *petitio principij*, a begging of the question, for old *Nat. B. fo.* 153. is to the contrary.

2. Besides, if the Law were otherwise, yet a Court Baron is a Court of Common Law and antient, and the spirituall Court is a Court of the Cannon Law and not antient.

4. *Ob.* The Ecclesiasticall Courts say they are now become the Kings Courts, by the Statute of 1ᵒ. *Eliz. Cap.* 1. as other Courts in *Westminster* Hall, and therfore the King cannot have a Premunire against himselfe.

*Answ.* I deny this, For they are the Kings Courts now, no more then they were before, for the Stat. of 1ᵒ. *Eliz.* did not give the King any new power, but only restored the old which hee had before: and this answer did Chancellour *Audley* give to *Stephen Gardiner* Bishop of *Winchester*, who made this objection; telling him withall, that the Premunire was a Rod that the Common Law had to keepe the Bishops in awe, and to reduce them to good order, otherwise men would have no quiet for them.

2. They cannot now make this Objection, because they keepe their ecclesiasticall Courts in their owne names, and not in the Kings, having procured a Proclamation, 1637. declaring the opinions of the Judges; that the Stat. of 1ᵒ. *Edw.* 6. *cap.* 2. is repealed, and of no force at this day, and that Bishops may keepe Courts in their owne names.

5. *Ob.* It is objected by the Clergy, that these new Cannons were made by authority of the King, by his Commission dated 12ᵒ. *May* last, and therefore they had a warrant for what they did.

*Answ.* This is no excuse, for if the Cannons which they made be contrary to the proviso in their Commission, and contrary to Law, which I have proved before, this is so farre from

from excuſing, that it aggravates their offence, for hereby the King, which by Law can doe no wrong to his people, is by this Commiſſion made by them an inſtrument of injury to his people. Divines ſay, *ſimulata ſanctitas duplex iniquitas*, becauſe to the outward breach of the Law, there is added an inward hypocriſie of the heart, which doubles the ſinne. So in acts of Injuſtice countenanced by Law, there is added to the Injuſtice a deceipt to the King, which doubles the offence. Many examples may be given in this kind, I will only name three,

1. Cardinall *Woolſey* had a Commiſſion from the King, for keeping his Legantine Courts, but yet this Commiſſion was no excuſe to preſerve him from an attainder in a Premunire, as I ſaid before.

2. *Stephen Gardiner* Biſhop of *Wincheſter*, in his letter to the Lord Protector, mentioned in the firſt Edition of the Acts and Monuments of the Church, (but left out in the latter) doth cite the Lord *Tiptofts* caſe, who had a Commiſſion from the King, to execute divers things, which being found in the execution to be againſt Law, he loſt both his head and his Commiſſion at *Tower Hill*.

3. The third and laſt example is S^r. *Anthony Mildmayes* caſe, 14. *Jacob.* in the *Kings Bench*, who was a Commiſſioner of the *Sewers*, which Commiſſion is grounded upon the Statute of 23^o. *Hen.* 8. who by vertue of his Commiſſion, did cauſe one to be diſtrained for a fine impoſed upon him by vertue of the Commiſſion of *Sewers*, who brought an action of treſpaſſe againſt the partie that diſtrained him, and had judgement to recover, S^r. *Anthony Mildmay* by an order from the *Sewers*, cauſed him to be impriſoned till hee had releaſed the judgement, for which offence, S^r. *Anthony Mildmay* was ſued in a Premunire in the *Kings Bench*, to which he pleaded, and was faine to procure a pardon from the King for his diſcharge.

The laſt and greateſt Objection is this, The Biſhop of *Exceter*, and divers Divines more, hold that the Juriſdiction of Biſhops is *jure divino*, whereupon it followes, that neither prohibition nor Premunire, can 6. Ov.

reſtraine that Juriſdiction which derives from the Law of GOD.

This indeed is true, if their Juriſdiction were of that nature, but I have proved before by divers Acts of Parliament, that their Juriſdiction is acknowledged by the Law of England, onely to be *jure humano*, ſo are the Statutes of 35. *Edw.* 1. called the Statute of *Carliel*, 25°. *Edw.* 3. 25. *Hen.* 8. 26. *Hen.* 8. 37°. *Hen.* 8. 1°. *Eliz.* &c. and *Co.* 5. *Rep. Cawdries* caſe.

The Common Law doth agree with theſe Statutes, for the Canoniſts as heretofore I have told you, doe obſerve a double power to be in a Biſhop,

*Poteſtas ordinis*, common with other Miniſters, as to Preach, Baptize, &c. and

*Poteſtas Juriſdictionis*, as to admit, inſtitute, deprive, excommunicate, &c. The former they ſay, is *de jure divino*, the latter is, *de jure Canonnico* or *poſitivo*, which is agreeable to the Statutes I cited before, but what doe I ſpeake of the Common Law, for the very Church of England ſeemes to be of this opinion, for in our Booke of Common prayer, no more is allowed to Biſhops, in point of divine right, then what is common with Paſtors, Miniſters and Curats, for there are but three prayers for Biſhops in all the Booke of Common prayer, and they all runne to the ſame purpoſe.

1. The firſt is in the Lettany, in theſe words, *that it may pleaſe thee to illuminate all Biſhops, Paſtors and Miniſters of the Church, With true knowledge and underſtanding of thy Word, that both by their preaching and living, they may ſet it forth and ſhew it accordingly*, wherein nothing is mentioned but their knowledge of GODS word, their good life and doctrine.

2. The next prayer for them, is after the prayer for the King and his Children in theſe wordes, *That God would ſend downe upon all our Biſhops and Curats, and all Congregations committed to their charge, the helpefull ſpirit of his grace, that they may truly pleaſe him*, &c. where the taking care of the cure of ſoules in Congregations committed

to

to them, is the maine thing which we pray for them on their behalfe.

The laſt is in the prayer for the militant Church, in theſe words, *Give grace (O heavenly Father,) to all Biſhops, Paſtors and Curats, that they may both by their life and doctrine, ſet forth thy true and lively word, and rightly and duely adminiſter thy holy Sacraments,* where there is not ſo much as a word mentioned of their Juriſdiction, but of their true preaching, good living, and due adminiſtration of the Sacraments.

And ſo M^r. Speaker, doe I conclude my whole Argument, touching the penalty incurred by the Clergy for their illegall Cannons, made in their Synod at *Paules,* concerning which, I will end all in theſe two Verſes, which may be better applied to this Synod, then the *Arminians* applied them to the Synod at *Dort,*

*Paulina Synodus nodus Chorus, integer ager,*
*Conventus ventus, Seſſio ſtramen, Amen.*

# FINIS.

# The Brownists Conventicle:

## Or an assemble of *Brownists, Separatists, and Non-Conformists*, as they met together at a private house to heare a Sermon of a brother of theirs neere *Algate*, being a learned *Felt-maker*.

Contayning the whole discourse of his Exposition, with the manner and forme of his preaching, praying, giving thankes before and after Dinner and Supper, as it was lately heard and now discovered by a brother of theirs who is turned out of their Society upon some discontent, to be buffeted by Sathan.

*His Auditors were Button-makers, Translaters, Weavers, Box-makers, with divers other holy Brethren and Sisters.*

Printed 1641.

# The Brownists Conventicle.

Containing their manner and forme of their preaching, praying, eating, and drinking, &c.

HEreticks, Schismaticks, Novellists, Seperatists, have beene in all ages, and long before the Gospel was preached: there were amongst the Jewes a Sect who called themselves Abelists, of Abel the Proto-Martyr of the world, who required such chastity in marriage, that they would admit of no congresse, or mutuall consociety betwixt man and wife: but it was an Heresie suddenly set up, and as soone suppressed. The Essees, or Essean's, retired themselves to solitude, and separated themselves from the Congregations, who were abstemious in their diet, and strict and austere in all their deportments, harmelesse to others, onely rigid to themselves, in so much that it is observed, that our Saviour was silent concerning them, when he so severely reproved the Scribes, Pharisees, and Sadduces. The Pharisees strived to come neere to the Law, and were a strict and exact Sect, but corrupt both in their doctrine, demeanour, and conversations. The Sadduces were but few, but those great and rich men, who were of a more obtuse and stupid apprehension, denying the resurrection.

To come to our owne home, almost in every Domesticke Diocesian Parish, we have Novellists, some Thraskites, or Sabbaterians, Banisterians, Brownists, and Anabaptists, which puts mee in mind of a young Lubber of that Sect, who being brought as a witnesse to take his oath in Court, and the Judge by accident asking of what age hee was? who answered him, that he was 3 yeares old. Three yeares old (replyed the Judge) and no more? how can that possibly be, seeing thou art of that full growth and bignesse? Who answered him again Verily I reckon mine age but from the time since I was last baptized. Then we have your Familists: but of all the rest which is of greatest remark, there is sprung up a new Sect of Adamists, who take their denomination from our first father Adam, and these with men and women promiscuously mingled, have their private meetings, where they will not heare the Word preached, nor have the Sacrament administred unto them, but naked, not so much as fig-leave breeches upon them, thinking thereby to imitate our first Parents in their innocency. Some of these Separatists have their Conventions within the wals of the City. Others have made their assembly in the fields, some in woods, and upon Hye-gate and Hamsted hils, and such like places. In some

families

families the women catechize and preach, making the back side of her groaning Chaire the Pulpit, their prayers being unpremeditate and without president; for nothing can passe muster, which proceeds from their mouths, which is not extravagant *ex tempore*. Nay, some most prophanely, I may say blasphemously, have beene heard to say, that they could make a better prayer than that which our Saviour himselfe taught to his Disciples.

Further, these our Sectaries will endure no degrees in Schooles, all learning must be layd by, Academyes are to them abhominable, thereby cohering with the grand Adversary of our Christian faith the Turk, who will suffer no Universitty thorow his whole Dominions: All his Creatures must be Souldiers, no Schollers, nor suffred to meddle with the Alcaron, but the Mufti, and those idolatrous Flamins belonging to the Order: nay, herein they punctually comply with the Papists, whose doctrine they pretend utterly to abhor; who hold that Ignorance is the mother of Devotion. And of these opinions was How, the notorious Predicant Cobler, whose body was buried in the high way by Dame Agnes a Cleere, and his Funerall Sermon preached by one of his Sect in a Brewers Cart. Such an Anti-Bishop was Eaton, the famous Button-maker in Saint Martins, and a Shooe-maker that dwelt betwixt Pauls Chaine and Old Fish-street, whose name I remember not, and now the onely famous seeming Predicants are one Greene a Felt-make, and a fellow who was once a Serving-man. To rip up all the whole rabble, would take up too great time, and blot too much paper.

Hence come those violent outrages, and sacrilegious disorders committed in the Church, even in the time of Divine Service, and hubbubs and strange tumults raised, where nothing but reverent silence ought to be used, by laying violent hands upon the Minister, rending his Master of Arts hood from his neck, and tearing the Surplice to fitters upon his back, he hardly scaping from being torne peece-meale in his owne person, and this even when the Psalme was singing, and the Preacher ready to goe up to deliver his Sermon, as likewise rending the railes from before the Communion Table, and then chopping them in peeces, and burning them in the Church-yard, and this to be tyrotously done without authority, commission, or order. But when any man shall take upon him a further power than peaceable Justice requireth, he perisheth from the Church; and whilst he proudly lifts up himselfe, branded with his owne arrogant presumption, he is bereft of the light of the truth.

And now of late lest these supernymticall Sectists should be wanting in the Land, there is lately come over from New England, as from a New Hierusalem, one Samuel Eaton a Minister, who preached at Saint Johns Church in Chester, that the very names of Parsons and Vicars were Antichristian, that Pastours and Teachers of particular Congregations, must be chosen by

the people, that all humane inventions, in which he comprehends the Booke of Common Prayer, &c. are to God unsavoury and loathsome, that all Ecclesiasticall censures of Excommunication, and the like, ought to bee exercized by particular Congregations within themselves: Hee further denyes all Nationall, Provinciall, and Diocesian Churches, &c. And further, at Knutsford, a Market Towne in the same Countie, that every particular Congregation is an absolute Church, and it is to have all Ordinances and Officers within it selfe, that the members thereof must be only Saints, who must enter into covenant amongst themselves, and no covenant no Church, and that it was a grievous sin to be present where Prayers were read out of any book whatsoever, either by the Minister or any other, &c. Two or three houres did our learned Felt-maker preach, and declare himselfe to his deare brethren and good sisters, which expressions took very well. And these are they that prate, not preach, like men raptur'd with their owne spirituall non-sense. I cannot stand upon the miserable inconveniences depending upon this fantasticall doctrine, of which I could wish there were not so many simple seduced Disciples.

Now all these Innovators in generall, are Arch-enemies to Lent, Saints Eves, Ember weeks, Fast dayes, and Good Fridayes. Imagine their Exercise is done, and high time to goe to refresh themselves; this holy brother which preached this and the like sort of Doctrine, was invited to another brothers house to dinner, which was there present, and being come and meat set upon the table, and all the Saints set at boord, hee began to say Grace, which is to this effect, having first surveyed every dish, and in what order it was placed at the boord, he began his thanksgiving as followeth.

The Grace before Dinner.

COrrobarate these thy good gifts unto our use, I beseech thee good Father, and make us thankfull for all these thy bountifull blessings upon this boord, to nourish our corrupt bodies. These are boyl'd Chickens (I take it) let this dish of Chickens put us in mind of our Saviour, who would have gathered Hierusalem together as an Hen gathereth her chickens, but she would not: but let us praise God for these chickens, which are set before us, being six in number. Let this leg of Mutton call us to remembrance, that King David was once a Shepherd, and so was Christ the son of David, that good Shepherd, who having an hundred sheep, and losing one, to find that left ninetie and nine in the wildernesse. Here is an excellent Loyne of Veale, let that prompts us to remember the Parable of the Prodigall child, whom to welcome home, the Father caused the fat calfe to be killed, which I thinke could not yeeld a better rump and kidney than is now visible before our eyes. And by this cramm'd and well fed capon, let us be mindfull of the cock, which crowed

crowed three times, when Peter had as often denyed his Master, for which he went out and wept bitterly. These Rabbets recollect us to think (having worne fur upon their backs) of the two wicked Elders, that lay in wait to betray the chastity of Susanna: but I feare I have too much over-shot my selfe in alleaging any example out of the prophane Apocrypha. What see I there? a Potato pye, and a Sallad of Sparagus, these are stirring meats, and provocations to procreation, by which good God, wee desire thee that according to thy blessings to our first parents in Paradise, we may increase and multiply. And when that Gamond of Westphalia Bacon comes to be cut up, let us think of that herd of Swine, into which by the permission of our Saviour the Devils entered, and from an high rock hurried them headlong into the sea. And as for these thy good blessings that are from the land, so likewise make us thankfull for this thy bounty sent us from the sea, and first for this Jole of Sturgeon, and let it so far edifie in us, as to thinke how great that Whales head was, which swallowed the Prophet Ionas, and kept him three dayes and nights in his belly. And though these Lobsters seeme to be in red coats like Cardinals, having clawes like Usurers, and more hornes than the Beast of Rome, which is the Whore of Babylon; yet having taken off their Papisticall copes and cases, let us freely feed upon what is within; for God regardeth not the outside, but the inside of man. I conclude with the fruit, which may it by thy grace so fructifie in our hearts, that these Pippins may put us in mind of the Apple of the forbidden Tree, which our Grand mother Eve (by the temptation of the Serpent) tasted in the middle of the Garden. For had she not, vild wretch, eaten ẏ forbidden apple, all our Crabs had bin very good Pippins, and all our Thistles had beene very good Harti-choaks. And these Carawayes call to our remembrance that Manna which was like Coriander seed, by which the children of Israel were fed forty yeares together in the wildernesse. Thus as briefly as I can, I have gone thorow every dish on the boord, for every sundry dish ought to have a severall blessing. And now let us fall too, and feed exceedingly, that after our full repast, wee may the better prophesie.

Then falling to, and feeding lustily, and dinner being ended, another began his Grace after meat, as followeth. The Grace after meat.

WEe thank thee, good Lord, that as thou hast sufficiently satisfied these our bodies with the blessings of the earth, so thou hast the like care to feed our soules with the spirituall food of Heaven: And in this our thanksgiviving, let us remember all the blessed Pastours and Professours, whether in Amsterdam or elsewhere: but especially the Ministers of the Church in New England, the New Ierusalem, as Master Samuel Eaton, lately come from thence, and the rest, with all our brethren and sisters, the Saints there, that little flock, of which our Saviour speaks in the Gospell, Feare not little flock,

the people, that all humane inventions, in which he comprehends the Booke of Common Prayer, &c. are to God unsavoury and loathsome, that all Ecclesiasticall censures of Excommunication, and the like, ought to bee exercized by particular Congregations within themselves: Hee further denyes all Nationall, Provinciall, and Diocesian Churches, &c. And further, at Knutsford, a Market Towne in the same Countie, that every particular Congregation is an absolute Church, and it is to have all Ordinances and Officers within it selfe, that the members thereof must be only Saints, who must enter into covenant amongst themselves, and no covenant no Church, and that it was a grievous sin to be present where Prayers were read out of any book whatsoever, either by the Minister or any other, &c. Two or three houres did our learned Felt-maker preach, and declare himselfe to his deare brethren and good sisters, which expressions took very well. And these are they that prate, not preach, like men raptur'd with their owne spirituall non-sense. I cannot stand upon the miserable inconveniences depending upon this fantasticall doctrine, of which I could wish there were not so many simple seduced Disciples.

Now all these Innovators in generall, are Arch-enemies to Lent, Saints Eves, Ember weeks, Fast dayes, and Good Fridayes. Imagine their Exercise is done, and high time to goe to refresh themselves; this holy brother which preached this and the like sort of Doctrine, was invited to another brothers house to dinner, which was there present, and being come and meat set upon the table, and all the Saints set at boord, hee began to say Grace, which is to this effect, having first surveyed every dish, and in what order it was placed at the boord, he began his thanksgiving as followeth.

The Grace before Dinner.

COrroborate these thy good gifts unto our use, I beseech thee good Father, and make us thankfull for all these thy bountifull blessings upon this boord, to nourish our corrupt bodies. These are boyl'd Chickens (I take it) let this dish of Chickens put us in mind of our Saviour, who would have gathered Hierusalem together as an Hen gathereth her chickens, but she would not: but let us praise God for these chickens, which are set before us, being six in number. Let this leg of Mutton call us to remembrance, that King David was once a Shepherd, and so was Christ the son of David, that good Shepherd, who having an hundred sheep, and losing one, to find that left ninetie and nine in the wildernesse. Here is an excellent Loyne of Veale, let that prompts us to remember the Parable of the Prodigall child, whom to welcome home, the Father caused the fat calfe to be killed, which I thinke could not yeeld a better rump and kidney than is now visible before our eyes. And by this cramm'd and well fed capon, let us be mindfull of the cock, which crowed

crowed three times, when Peter had as often denyed his Master, for which he went out and wept bitterly. These Rabbets recollect us to think (having worne fur upon their backs) of the two wicked Elders, that lay in wait to betray the chastity of Susanna: but I feare I have too much over-shot my selfe in alleaging any example out of the prophane Apocrypha. What see I there? a Potato pye, and a Sallad of Sparagus, these are stirring meats, and provocations to procreation, by which good God, wee desire thee that according to thy blessings to our first parents in Paradise, we may increase and multiply. And when that Gamond of Westphalia Bacon comes to be cut up, let us think of that herd of Swine, into which by the permission of our Saviour the Devils entered, and from an high rock hurried them headlong into the sea. And as for these thy good blessings that are from the land, so likewise make us thankfull for this thy bounty sent us from the sea, and first for this Jole of Sturgeon, and let it so far edifie in us, as to thinke how great that Whales head was, which swallowed the Prophet Ionas, and kept him three dayes and nights in his belly. And though these Lobsters seeme to be in red coats like Cardinals, having clawes like Usurers, and more hornes than the Beast of Rome, which is the Whore of Babylon; yet having taken off their Papisticall copes and cases, let us freely feed upon what is within; for God regardeth not the outside, but the inside of man. I conclude with the fruit, which may it by thy grace so fructifie in our hearts, that these Pippins may put us in mind of the Apple of the forbidden Tree, which our Grand mother Eve (by the temptation of the Serpent) tasted in the middle of the Garden. For had she not, vild wretch, eaten ỹ forbidden apple, all our Crabs had bin very good Pippins, and all our Thistles had beene very good Harti-choaks. And these Caraways call to our remembrance, that Manna which was like Coriander seed, by which the children of Israel were fed forty yeares together in the wilderneſſe. Thus as briefly as I can, I have gone thorow every dish on the board, for every sundry dish ought to have a severall blessing. And now let us fall too, and feed exceedingly, that after our full repast, wee may the better prophesie.

Then falling to, and feeding lustily, and dinner being ended, another began his Grace after meat, as followeth. The Grace after meat.

WEe thank thee, good Lord, that as thou hast sufficiently satisfied these our bodies with the blessings of the earth, so thou hast the like care to feed our soules with the spirituall food of Heaven: And in this our thanksgividing, let us remember all the blessed Pastours and Professours, whether in Amsterdam or elsewhere: but especially the Ministers of the Church in New England, the New Ierusalem, as Master Samuel Eaton lately come from thence, and the rest, with all our brethren and sisters, the Saints there, that little flock, of which our Saviour speaks in the Gospell, Feare not little flock,

who forsaking, and utterly renouncing all the prophane and Papisticall ceremonies here at home, have left the Land, to professe the more pure and sincere truth and doctrine abroad; as also for the seperated Saints here amongst us, the Elders and Deacons of our Congregations wheresoever assembled, whether in any private houses within the city, or in any Cow-house, Barne, or Stable without the wals or whether in the fields, woods, or groves, wheresoever the holy Assembly is convented and gathered. As for the prophane Churches, in which Idols have been formerly worshipped, and Copes and Surplices (the garments of the great Babylonish Whore) are still worne, we utterly abhor them: Neither let us forget that holy and good mans precepts, who never spake unto us but with a great measure of the Spirit, I meane Master How the Cobler; nor those Christian admonitions which were broken unto us by the breath of Master Eaton, the Button-maker in Saint Martins: nor those godly instructions which issued from the mouth of Master Greene the Felt-maker, with all the rest of their sanctified Society: As also for all our the fellow-Labourers in this our holy and good work, I meane those blessed and fruit-bearing women, who are not only able to talk on any Text, but search into the deep sense of the Scripture, and preach both in their owne families and elsewhere. Whom though Saint Paul forbade to preach in the Church, yet he left them liberty to preach in the chambers: nay, we all therefore, both brethren and sisters, so use our Talents together, that the brethren may be daily regenerate and new borne, and the sisters so labour in their severall vocations, that it may be the encrease and multiplying of these thy Saints, Amen.

After which they prepared for their after-noons Exercise. You have heard what doctrine hath beene preached by Master Samuel Eaton and others in the countrey, now you shall heare part of a Sermon preached, which was by one of the Elders, who was pickt out for that dayes Exercise, who took his Text the 12. of the Revelation, the 7 verse: And there was a battell in heaven, *Michael* and his Angels fought against the Dragon, &c. Grace & peace be multiplied. This Text dearly beloved brethren, and most dearly beloved sisters, may not unproperly be applyed to these present times, and to acts late in agitation, here is a combat spoken of betwixt Michael and the Dragon: now my deare brethren and sisters; first, to enquire who is personated in Michael and his Angels, and who pointed at in the Dragon and his Angels. To save you men your looking, and you women your longing, I will tell you both, and that briefly thus. By this Michael and his Angels in my Text, is meant one particular Church, and peculiar congregation: and you deare Saints of both seres have bin sensible, you know many yeares we have most miserably suffered in all servitude and slavery: Now by the Dragon, the holy Ghost labours to delineate unto the great Dragon and Devill of Lambeth. I say unto you againe brethren, Wicked Angels are the Bishops Deanes, Arch-Deacons, Prebends, non-residents, which

live without the care and charge of soules; I could have expressed it in Latin, but I hold it to bee the language of the beast of Rome, and therefore omit it as a Heathenish language: besides his other Proctors, Professors, Pursuivants, Pariters, and all other his Ecclesiasticall Ministers and Officers. I had almost forgot his Advocates, Surrogates, with the Judges of his spirituall and Prerogative Courts, all which (brethren) are abhomination in the eyes of the Lord & their very names stink in his nostrils: The Bishops function, deare brethren, is an Anti-christian calling; & the Deanes & prebends are the frogs & the locusts mention'd in the Revelation: There is none of these Bishops but hath a pope in their bellies: I will tell you, deare brethren, they be papists in graine; they are all of them unleavin'd soules, & now, I say, we have turned them over to be buffeted by ỳ vgly sin Satan. What then shall we say of all his copes and popish trincats? his invention and innovations? Or what shall we think of their Altars, Images, unhallowed hoods, Surpleces and Coaps, with their unchristian cornerd Caps: their Palls, Albs, Rochets, Crosiers, Miters, Crosses, with all their traditions, Ceremonies, and unsanctified Superstitions? What my brethren (my sisters not forgotten) are but as the very rags dropt from the whore of Babylons rotten garments: nay, their cleanest washt Surpleses are at the best but like Porters Frocks, which they weare when they carry burthens; and they appeare in our eyes more slovenly and sluttish, than the very fullsome and foule smock she puts off when she shifts her selfe: nay, my deare brethren, there is another crosse which stands in our way, and is an eye-sore to our uprightnesse, that guilded idolatrous Crosse in Cheap side, which so many adore and reverence when they passe by it: then there is another crosse, which is our care-sore, as well as our eye-sore, deare brethren, that is, those pipes, or Organs, as the reverend Scots Ministers call them; which makes more noyse with their roaring, than all the Bulls of Basan did, when Og their King passed by them in triumph.

What further may we liken that dogmaticall Dragon to: this litigious Arch Priest of Lambeth, than to a tyrannicall Nimrod, a proud Pharaoh, a politick Achitophel a wicked Haman, a cunning Caiphas, a tugling Pilot, a bloudy minded Herod, a persecuting Saul, and though he were a Batchelour, yet for a long time bore him as proudly as that Apocalypticall Beast of Rome with seven heads of impietie and ten hornes of iniquity: for how hath he persecuted this little flock of ours? and when he would not be seene in it himselfe, he imployed his apostaticall agents to disturbe us in our Conventicles, and debar us the liberty of our Consciences: and my dear brethren & beloved sisters, was not this the very device of an old Dagon, nay of a venemous dragon? and are not the Archbishops and Bishops, the very Bulls of Bashan, their superiour and inferiour Officials, and Officers, the great and little Foxes? Those that wait on them, are the Wolves that would worrie the sheep and Lambs: and yet you see how in the end wee that may

bee

bee called the Michaelists, or Michaelitains, have in this great battaile late fought since the time of the Parliament, have subdued and overcome the Dragon and his Angels, so that their Court is no longer to be found at Lambeth: so it is (according to my Text) no more to be found in Heaven.

This Dragon, I say deare brethren, and beloved sisters, is that Nimrod of Lambeth, the great hunter, who with his bloud-hounds hunted and chaced us from one place to another. This was that proud Pharaoh, who would have us deliver up to the task-masters the full tale of Brick, and yet would not allow us straw nor stubble to burne it. This is that politick Achitophel, who having mist of his designes, would saddle his Asse (if hee had it) and ride home to his house at Lambeth and hang himselfe. This is that wicked Haman, that would make havock of all us poore Mordecais, and the whole Nation of us distressed Jewes: (for I know there be some Christians and Sabaterians amongst us) but as he hath Idolatriz'd in the high places, wee hope to see him, like that Haman, mounted upon something fiftie Cubits high. This is that cruell Herod, but more bloudy hearted: he onely slew the Babes and Sucklings but this Dragon would make slaughters of all of you, deare brothers and sisters, for which hee shall bee eaten up with the wormes of his owne Conscience. This is that Caiphas, that would couzen us of our lives. That Pilot that would give partiall sentence against us; (that Saul before he was Paul) that would bring persecution amongst us, who are taken for the Olive-branches of the House of the Lord.

And now where is their Starre-parlour, for Star-chamber I cannot call it: Chambers (as we all know) were made for rest and pleasure; but this was onely for rigour and punishment: and where is now their high Commission Courts, by which the Saints hearts could not rest quiet in their bodies, nor their eares safe upon their heads? But some of his servants report that he was cleare of all these; but deare brethren, and best beloved sisters, I will tell you of what he was cleare: cleare from all sincerity, vertue, and piety; cleare from all charitie, veritie, and honestie: but he, with all the rest of the Archi-episcopacy, much contaminated with gormundizing and Hypocrisie: But where are his full and surfeting Tables, where hee sate plentifully feeding, with his Chaplins, gaping one at another: some gaping after fat bits, others after fat Benefices, they aspiring to the highest degrees after the Prelacy, and he alike ambitious after the Papacy.

But what is now (my deare brothers, and sweet sisters) become of their vehement Orations, their demonicall disputations? their syllogisticall examinations? their Logicall Interpretations? their erroneous Equivocations? their mentall Reservations? and their unjust Condemnations of us that are the flock of the faithfull, and the onely reserved to eternall Salvation? what I say, but that this great Dragon, and his Angels shall be precipitated to perdition, be hurryed to the inferiour parts of the earth, which is also called Hell, and Gehimon, and the tormenting Tophet, to which we also leave them, with all their Prelaticall trash and popish trumperies.

14

# AN HUMBLE EXAMINATION

OF A

*PRINTED ABSTRACT*

OF

The Anſwers to Nine Reaſons of the Houſe of Commons,

AGAINST

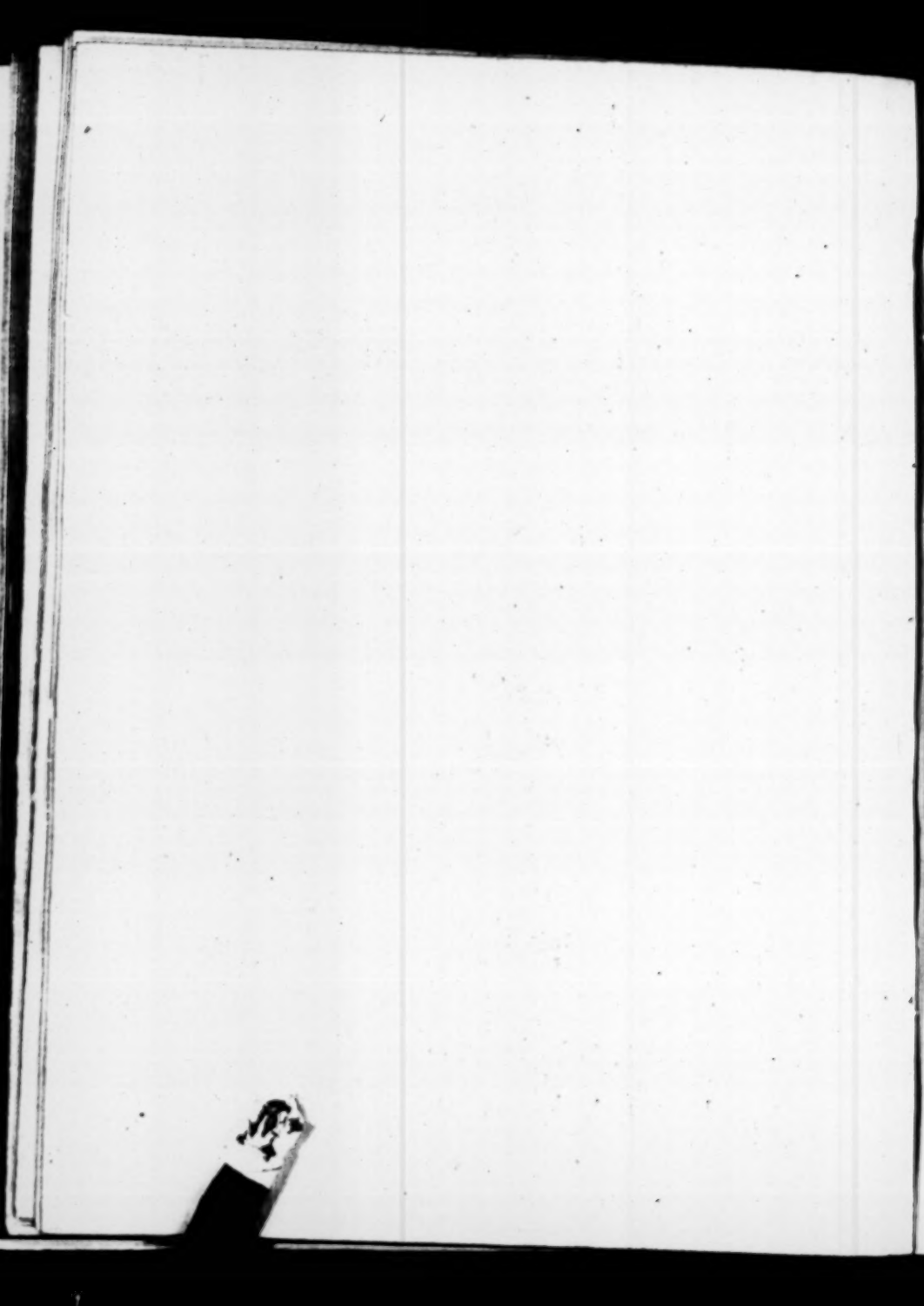
*The Votes of Biſhops in Parliament.*

---

Printed by order of a Committee of the Honourable Houſe of Commons, now Aſſembled in Parliament.

---

LONDON,
Printed for *P. Stephens* and *C. Meredith.*
1641.



# AN HUMBLE EXAMINATION OF A Printed ABSTRACT of the ANSVVERS given to Nine REASONS of the HOUSE of COMMONS, Againſt the *Votes of Biſhops in Parliament.*

---

## I. REASON of the Houſe of Commons.

BEcauſe it is a very great hinderance to the exerciſe of their Miniſteriall Function.

To this *Reaſon* a foure-fold *Anſwer* is ſent abroad.

### ANSVVER.

1. " *Is is not ſo much hinderance as their convening*
" *to Generall Councels, Synods, Convocations,*
" *Aſſemblies, Claſſes, and the like, in all the*
" *Churches Reformed, or otherwiſe.*

### EXAMEN.

*Convening to Generall Councels, Synodes, &c.* when need requireth, is a proper part of their Eccleſiaſti-

call Office, and ſo cannot rightly be termed any *hinderance to their Miniſteriall Function* at all. For then, although they be enforced to be abſent from their particular Congregations, they doe ſtill move within their owne proper Orbe, for the more publike Service of the Church: and ſo they may with more reaſon expect a bleſſing on it. But when they *Vote in Parliament*, as Peeres, in Civill and Secular Affaires, touching Trade, Merchandize, and other particulars of State policy, they be Eccentrick, and out of their owne Sphere, and Calling. This therefore muſt needs be not only ſome hinderance, but, *a very great hinderance to the exerciſe of their Miniſteriall Function*: becauſe, to qualifie them to give ſuch Votes, with judgement, they muſt neceſſarily beſtow themſelves moſt, if not altogether upon the ſtudy of, and ſearching into all thoſe Secular matters which in Parliaments be, or may be debated and voted, and in the inquiry into all thoſe principles and deepe myſteries of State, wherein, all that vote in the Houſe of Peeres, ought above all others to be moſt converſant; which cannot ordinarily bee attained, without ſpending moſt of their time and ſtudy thereupon: *Si enim velit Epiſcopus, ut cæleſti pariter & terreno Regi placeat, ad utrumque ſe officium dividere, certe Rex cæleſtis, qui ſibi vult ex toto corde, tota anima, tota virtute ſerviri, miniſterium divinum non approbat, non diligit, non acceptat. Nam nec terreni Principis ratiocinia quiſquam dimidius ſufficienter adminiſtrat*; as a learned Archbiſhop of *Canterbury*, out of another grave Author, hath obſerved.

*Matth. Parker Antiq. Britann. in Huberto ex Will. Nubrig.*

And ſithence, to be able to give a *Vote* in the *Lords* Houſe of Parliament judiciouſly, and for the bene-

fit

ſit of the publike, requires ſuch conſtant induſtry, daily obſervation, and no ſmall experience of all kindes of ſecular affaires, with their ſeverall caſuall turnings, and viciſſitudes: I cannot ſee how Biſhops voting in that Houſe, can avoid one of theſe three evils, either they muſt give their votes ignorantly (and ignorance uſually runs wrong;) or corruptly, to ſerve other mens turnes, be they right or wrong, or els they muſt neceſſarily bend moſt part of their lives to ſecular ſtudies and imployments, to which they were never bred, from which their Miniſteriall Function ſhould exclude them, and for which many godly Biſhops and others, beſide ſundry Councels, in all ages have condemned them; many of thoſe Ancients having alledged that Scripture, in 2 *Tim.* 2. 4. (*Nemo militans Deo, implicat ſe negotiis ſeecularibus, &c.*) to this very purpoſe.

For more expedition, I ſhall only name ſome of thoſe Authors and Councels. *Cyprian. Epiſt 66. juxta Pamel. Can. 6. Apoſt. apud Zonaram. Concil. Carthag. 4. Can. 16. Concil. Chalced. Oecum. Seſſ. 15. Can. 3. Auguſt. Epiſt. 110. Greg. Magn. Dial. lib 1. Prefat. Excerpt. Egberti Can. 16. & Can. 57. Concil. Calchuth. Can. 10. Anſelm. in Concil. Weſtm. ut videre eſt in Gulielm. Malmsb. de Geſtis Pontif. l. 1. Mat. Par. Hiſt. Angl.* in the Caſes of *Walter* B. of *Durham*, in time of *Will.* the Conq. and of *Hubert* Archb. of *Cant.* in *Ric.* 1.

Yea, we ſhall find this ſharply condemned by popiſh Prelates themſelves. *Corp. Iur. Can. diſt.* 88. And *Othobone* the Popes Legate here, in *Hen.* 3. his time, cenſured it, and provided againſt it, as *vitium horrendum*. Conſt. Legat. cap. *Cum honeſt.* But I leave them.

See alſo *Tindall* in his Tract of Obedience of a

Christian. B. *Hooper*, on 8. Command. B. *Latymer*, Sermon called the *Plough*. B. *Iewel*, defence of *Apol.* par. 5. chap. 4. divis. 2. *Mat. Parker*, Archb. of *Cant. Antiquit. Brit.* in *Huberto*, where he is very large, sharp, and solid in this point. Take a passage or two, because his Booke is not in every hand. *Neque enim, si verum judicare volumus, in Republica Christiana quicquam sani atque integri seculum illud* (Richardi primi) *tulit. Fictaque & adumbrata Religionis specie proposita, totus Clerus in scelcribus, muneribus, honoribus, & rapinis, neglecto penitus verbo, impune volutabat. Hujus mali origo ab hoc profluxit, quod contra Orthodoxorum Patrum decreta, Clerus nimium mundanis se negotiis immiscuit.* Then hee goes on to shew a fearefull example of Gods vengeance upon one of them, who had beene advanced to a very high Office in the State, which Relation he thus closeth up; *Cujus generis exempla idcirco proferenda sunt, ut deterreatur a vectigalibus Regiis, & Civilibus publicisque occupationibus Clerus, & Evangelio propagando præcipue studeat ac incumbat.* And how ever hee after takes notice of somewhat which happened in the beginning of *Henry* 3. wherein he seemes to preferre the fidelity of the Clergy to that of the Laity in administring of Civill Offices, yet he doth it not as allowing the Clergie to be so imployed, but rather as secretly taxing the Nobility of that time for being so unfaithfull to the King and Kingdome, which surely is no warrant for the Clergie to step out of their own Calling.

It is true that anciently Bishops have beene allowed to intermeddle in some Civil affairs, at sometimes. *Constantine* made a law to that purpose, in case of

of voluntary appeals from civil Iudicatories, *Sozom.* li. 1. cap. 9. And *Valens* added to it, in caſes of Hoſpitals and Schooles. *Hiſt. Counc. of Trent.* Yet the miſchiefs of ſuch intermedling, were ſoone felt and groaned under. Hence *Honorius* and *Arcadius* made a Law againſt it, and *Valentinian* afterwards put it in execution even in Rome it ſelfe. So did other Emperours, as appeares by the *Corps* of the *Civil Law*, in many places. Indeed ſome ſucceeding Emperours, gave relaxations, and inlarged the power and preheminence of Biſhops ſo farre, that at length there was no reducing them to their ancient limits, till that once glorious Scepter was become ſo inglorious as to be wholly at the devotion, command, and diſpoſe of the Mitre, to the perpetual ignominie, and irreparable undoing of that puiſſant Empire.

And whereas ſome urge that Statute *De Proviſoribus* in 25. *Edward* 3. for Biſhops intermedling in Civill Affaires, becauſe it is there ſaid, That the holy Church of England was founded in the eſtate of "Prelacy within the Realme of England, by the "Kings Anceſtors, and other of the Nobility, to "inform them and the People of the Law of God, "and to make hoſpitalities, almes, and other works "of Charity in the places where the Churches "were founded, *&c.* and for this end, their Lands, "revenues, *&c.* were aſſigned by the ſaid founders "to the Prelates, *&c.* And the ſaid Kings in times "paſt, were wont to have the greateſt part of their "Counſel, for the ſafeguard of the Realme, when "they had need, of ſuch Prelates, and Clerks ſo ad-"vanced *&c.* This laſt Clauſe doth only prove *de facto*, that ſo it was uſed; but doth not legitimate the uſe;

uſe; all ſtories of thoſe times being full of complaints againſt the miſchiefes which aroſe out of it. And that very Statute declares the prime end of advancing the Clergy into an Hierarchy, was to counſell the Kings and others in the Law of God, not in Civill and Martiall matters. And ſo far is ſuch intermedling *in Secularibus*, from being countenanced by the Lawes of this Kingdome, that by the common Law; (which is the moſt fundamentall Law of the Realme) all in holy Orders are ſo carefully exempted from ſuch incumbrances, that if any Clergy man happen to be put into a temporall Office, he muſt, upon the pleading of his Orders, have a Writ awarded him out of the Chauncery to diſcharge him. *Regiſt.* 187. 6.

Therefore it was farre from the intention of the firſt Founders of our Hierarchie, to imploy them in *Civilibus*, but only to make uſe of their counſell in Spirituals.

There is yet one thing more, much inſiſted upon by ſome of the Prelates, to prove the lawfulneſſe of their intermedling in Secular Matters. And it is a paſſage of Saint *Auguſtine, De opere Monachor. Cap.* 29. where hee ſaith, It were farre more profitable for him to ſpend his time in reading and praying, *Quàm tumultuoſiſſimas perplexitates cauſarum alienarum pati de negotiis ſecularibus, vel judicando dirimendis, vel interveniendo præcidendis; quibus nos moleſtiis idem afflixit Apoſtolus, non utique ſuo, ſed ejus qui in eo loquebatur arbitrio. Ergo*, ſay ſome Biſhops, they have warrant ſo to doe, yea a command from the Apoſtle, and from the Spirit of God himſelfe.

1 Cor. 6.

To

To this it may be answered. 1. That in that very place St. *Austin* doth bemoane this, as being *Ecclesiarum quibus serviit consuetudo* the custome of those Churches: and the practice began, after *Constantine* made a law to warrant it; for S. *Aust.* there saith that *Paul* never submitted to it, nay rather he gave order to make them Iudges that were meanest, and had least to doe. And albeit St. *Austin* there addes that this toyle he undertooke, *non sine consolatione Domini in spe vitæ æternæ, ut fructum feramus cum tolerantia.* Yet this was not spoken, as rejoycing in the imployment, but as bearing it with more cheerefulnesse in hope of eternall life after it. 2. As for the imployment it selfe, he complaines, *violenter irruptum est, & non permittor ad quod volo vacare ante meridiem, post meridiem occupationibus hominum teneor. Epist.* 110. and *Possidonius* that lived with him many yeares, beares him witnes that *hanc suam a melioribus rebus occupationem, tanquã angariam deputabat.* Therefore it was, that (in *Ep.* 110.) he desired the people that they would suffer him to put over all those businesses to *Eradius* whom he had chosen to be his successor in his Bishoprick, which when the people had granted, the good old Father presently unburdened himselfe, *Ergo fratres quicquid est quod ad me perferebatur, ad illum perferatur, ubi necessarium habuerit consilium, meum non negabo auxilium.*

*Possidon.* in vit. *Augustini* ca. 19.

3. If this be not enough, let me answer Bishops, by a Bishop, *viz:* by Bishop *Bilson*, who, being prest with that place of Saint *Austin*, *de opere Mon:* by the Popish crue under the name of *Philander* a *Iesuite*, returnes this answer under the veile of *Theophilus* an Orthodoxe Divine; a Truth it is, the

Trent. *Of Christian Subjection and Antichristian Rebellion.* par. 3

uſe; all ſtories of thoſe times being full of complaints againſt the miſchiefes which aroſe out of it. And that very Statute declares the prime end of advancing the Clergy into an Hierarchy, was to counſell the Kings and others in the Law of God, not in Civill and Martiall matters. And ſo far is ſuch intermedling *in Secularibus*, from being countenanced by the Lawes of this Kingdome, that by the common Law; (which is the moſt fundamentall Law of the Realme) all in holy Orders are ſo carefully exempted from ſuch incumbrances, that if any Clergy man happen to be put into a temporall Office, he muſt, upon the pleading of his Orders, have a Writ awarded him out of the Chauncery to diſcharge him. *Regiſt.* 187. 6.

Therefore it was farre from the intention of the firſt Founders of our Hierarchie, to imploy them in *Civilibus*, but only to make uſe of their counſell in Spirituals.

There is yet one thing more, much inſiſted upon by ſome of the Prelates, to prove the lawfulneſſe of their intermedling in Secular Matters. And it is a paſſage of Saint *Auguſtine*, *De opere Monachor. Cap.* 29. where hee ſaith, It were farre more profitable for him to ſpend his time in reading and praying, *Quàm tumultuoſiſſimas perplexitates cauſarum alienarum pati de negotiis ſecularibus, vel judicando dirimendis, vel interveniendo præcidendis; quibus nos moleſtiis idem afflixit Apoſtolus, non utique ſuo, ſed ejus qui in eo loquebatur arbitrio. Ergo*, ſay ſome Biſhops, they have warrant ſo to doe, yea a command from the Apoſtle, and from the Spirit of God himſelfe.

1 Cor. 6.

To

To this it may be answered. 1. That in that very place St. *Austin* doth bemoane this, as being *Ecclesiarum quibus servit consuetudo* the custome of those Churches: and the practice began, after *Constantine* made a law to warrant it; for S. *Aust.* there saith that *Paul* never submitted to it, nay rather he gave order to make them Iudges that were meanest, and had least to doe. And albeit St. *Austin* there addes that this toyle he undertooke, *non sine consolatione Domini in spe vitæ æternæ, ut fructum feramus cum tolerantia.* Yet this was not spoken, as rejoycing in the imployment, but as bearing it with more cheerefulnesse in hope of eternall life after it. 2. As for the imployment it selfe, he complaines, *violenter irruptum est, & non permittor ad quod volo vacare ante meridiem, post meridiem occupationibus hominum teneor. Epist.* 110. and *Possidonius* that lived with him many yeares, beares him witnes that *hanc suam a melioribus rebus occupationem, tanquã angariam deputabat.* Therefore it was, that (in *Ep.* 110.) he desired the people that they would suffer him to put over all those businesses to *Eradius* whom he had chosen to be his successor in his Bishoprick, which when the people had granted, the good old Father presently unburdened himselfe, *Ergo fratres quicquid est quod ad me perferebatur, ad illum perferatur, ubi necessarium habuerit consilium, meum non negabo auxilium.*

*Possidon.* in vit. *Augustini* ca. 19

3. If this be not enough, let me answer Bishops, by a Bishop, *viz:* by Bishop *Bilson*, who, being pressed with that place of Saint *Austin, de opere Mon:* by the Popish crue under the name of *Philander* a *Iesuite*, returnes this answer under the veile of *Theophilus* an Orthodoxe Divine; a Truth it is, the

Trent. *Of Christian Subiection and Antichristian Rebellion.* par. 3

Biſhops of the Primitive Church were greatly troubled with thoſe matters, * not as ordinary *Iudges* of theſe cauſes, but as Arbiters elected by conſent of both parties. "And I could requite you with *Gre-*
"*gories* own words of the ſame matter in the ſame
"place, *quod certum eſt nos non debere, which it is cer-*
"*taine we ought not to doe.* But yet I thinke ſo long
"as it did not hinder their Vocation and Function,
"though it were troubleſome unto them, they
"might neither in charity nor in duty refuſe it, be-
"cauſe it tended to the preſerving of peace and love
"amongſt men. And the Apoſtle had licenſed all
"men to chooſe whom they would for their *Iudges*,
"no doubt meaning that they which were choſen
"ſhould take the paines to heare the cauſe, and
"make an end of the ſtrife. But it is one thing to
"make peace betweene brethren, as they did, by
"hearing their griefes with conſent of both ſides;
"and another to claime a judiciall intereſt in thoſe
"cauſes, in ſpite of mens hearts.

* And I have ſhewed before upon what occaſion. *Preſat. in Dial.*

Thus he, and how home this comes to our Biſhops, that will needs ſtill conteſt and ſtrugle to retaine their Votes in Parliament in all civill cauſes whatſoever, undervaluing all the Reaſons of the Houſe of Commons, and contrary to the juſt deſires of the whole body of the Kingdome, I need not uſe more words to declare.

To finiſh this point. All that hath beene ſaid againſt the Clergies intermedling with Civill and Temporall affaires (other than for neceſſary and comfortable proviſions for Lively hood) drives to this Concluſion, that if it be ſo great an hinderance to the exerciſe of the Miniſterial Function to be imployed

ployed in temporall matters which are but ordinarie, it muſt needs be a farre greater hinderance to that holy calling, for Biſhops to Vote in Parliament, becauſe they cannot doe it as it ought to bee done, without ſo much skill and dexterity in ſecular affaires of all ſorts that poſſibly can come within the debate and reſolution of a Parliament, as muſt needs take up the greateſt part, if not the whole of a mans time, ſtudy, ſtrength and abilities bee they never ſo great and many, to fit him for that great ſervice altogether beſide (I might adde inconſiſtent with) his Calling of the Miniſtery.

## 2. ANSWER to the firſt REASON.

" *It is propter majus bonum Eccleſiæ.*

## EXAMEN.

*Cujus contrarium, &c.* What good they have done in Parliament, for the Church (unleſſe to uphold the Synagogue of Rome,) let all Hiſtories ſpeake, that have taken any notice of the acting and carriage of matters of Religion debated, and Voted in Parliament, ſince the firſt entrance upon a Reformation in this Kingdome.

It is true that in the Reigne of King *Henry* the eight, one *Cranmer* was active in the cauſe of God, againſt thoſe ſixe bloudy Articles, which coſt ſo many their lives. But, of all the Hierarchie, not one was found to joyne with him, but all oppoſed, and he alone for three dayes together was

faine to ſtand to it, and at length, by the malice, practice, and potency of the Prelates, hee was overcome, and the cauſe carryed againſt him, *Acts and Monuments par.* 2. *page* 1037. *edit.* 1610. This was in the yeare 1540.

When about foure or five yeares after, *Cranmer*, in two ſeverall Parliaments uſed his beſt endeavours to get that bloudy Law repealed, and had before hand (as he thought) drawne over to his ſide the Biſhops of *Worceſter*, *Chicheſter*, and *Rocheſter*, who promiſed to aſſiſt the cauſe in Parliament; yet when it came to the tryall, all the Biſhops forſooke him and the cauſe againe. In ſo much as the King himſelfe, and the Nobility ſtood to him ſo farre, as to give way to a moderating of the former Law, when the Biſhops would not abate the leaſt part of the rigour thereof. *Antiq. Britanni.* in *Cranmero.*

In King *Edward* the ſixth his Reigne, it is true, a bleſſed Reformation was happily begun; but, by whom? By the Biſhops? No verily, *Cranmer* only excepted. For he and the Protector were the men that adviſed the King, and went through with the worke. As for the great Biſhops, *Gardiner* of *Wincheſter*, and *Tonſtall* of *Dureſme*, *Bonner* and others, they ſerved to fill priſons, and diverſe ran away. And in all Letters of the Lords for more particular Reformation, it was onely Canterburie and the Nobilitie that did promote the buſineſſe. See *Acts* and *Monuments* in King *Edward* the ſixth.

But in Queene *Maries* dayes, who but Biſhops for the Maſſe, and all the groſſe body of Popery, both

ſh in Convocation and Parliament? *Cranmer*, and the reſt of the Orthodox Biſhops were ſoone perſecuted, and at length committed to the fire; while the Popiſh Prelates, being reſtored to their places, ſpared no diligence to promote Popiſh Idolatry throughout the Kingdome, and that by their Votes in Parliament, whereby they might more plentifully ſhed bloud by a Law.

When God delivered this Kingdome from thoſe *Marian* flames, and ſet up bleſſed Queene *Elizabeth*, it cannot be denyed, but that in the Bill for reſtoring all ancient Juriſdictions to the Crown and for reeſtabliſhment of Religion and ejection of Popery, the *Lords Spirituall* are named in the Act, becauſe the bill being carryed by the greater number of Votes, the diſſenting party which was the leſſe, are included in the reſt, and it becomes the Act of all, in common repute, and eſteeme of Law.

But little thankes to the Biſhops for any of that Reformation which was then reſtored. We finde the Biſhops of *Wincheſter*, *Litchfeild*, *Cheſter*, *Carlile* and *Lincolne* appearing in open defence of Popery while that Parliament was ſitting. *Act* and *Monuments par.* 2. *page* 1619. *edit.* 1610. But theſe were not all that ſtood for that cauſe: Witneſſe the deprivation of *Heath Arch-Biſhop of Yorke*, *Tunſtall Biſhop* of *Durham*. *White* of *Wincheſter*, *Thyrlby* of *Ely*, *Watſon* of *Lincolne*, *Baines* of *Coventry* and *Litchfeild*, *Bourne* of *Bath* and *Wells*, *Chriſtopherſon* of *Chicheſter*, *Oglethorp* of *Carlile*, *Scot* of *Cheſter*, *Morgan* of Saint *Davids*, beſide *Bonner* impriſoned, *Pates* of *Worceſter*, *Goldwel* of

Saint *Aſaph* in exile, for the ſame Pſeudo-Catholike cauſe. None of all which can with any probability of reaſon bee imagined to have Voted for the reſtoring of the Truth, they being by vertue of that Statute deprived for oppoſing the Truth.

And albeit, I know nothing but by heare-ſay of the generall carriage of Biſhops in Parliaments ſithence, and ſo doe not charge them: yet how often they have with-ſtood bills againſt Non-reſidency, * Pluralities, and other evils and defects in the Reformation of Religion, and of their Courts, the world hath beene ſufficiently informed; inſomuch as the Houſe of Commons hath already declared and reſolved at a Generall Committee of the whole Houſe, *Iune* eleventh, 1641. That the Biſhops have beene found by long experience to bee great hinderances of a perfect Reformation, and of the growth of Religion. *En majus bonum Eccleſiæ* produced by the Vote of Biſhops in Parliaments!

And as their voting in Parliament, in matters of *Religion*, is *ad detrimentum, potius quam ad utilitatem Eccleſiæ*; ſo it cannot bee imagined how their Votes there, in *Civilibus*, ſhould conduce more *ad majus bonum Eccleſiæ*: Except the wilfull and incorrigible continuing in a courſe forraine and contrary to their proper Calling, and ſuch as (being duely performed) *is a very great hinderance to the exerciſe of their Miniſteriall Function* (as hath beene before declared) can redound to the greater good of the Church, which they ſeldome looke after, unleſſe to receive the profits of it, and to plague thoſe

* In 31. *Elizabeth* a Bill againſt *Non-reſidents* paſſed the Houſe of Commons, & being in the other Houſe greatly approved of & much ſpoken for by many of the Temporall LORDS, yet, through the earneſt labouring of the Biſhops, it could have no paſſage there. Another Bill for reforming Eccleſiaſticall Courts in King *Iames* his time, paſſed, till it fell among the Biſhops, and there was ſtayed.

thoſe who are profitable in it, that themſelves may more ſplendidly and ſecurely (in Parliament; and every where elſe,) *Lord it over the* whole *heritage of God.*

## 3. ANSVVER, to the firſt REASON.

"*The Apoſtles unneceſſarily put themſelves to*
"*more hinderances, to worke for their liveli-*
"*hood, Acts* 20. 24. 1 *Theſſalo.* 2. 9.
2 *Theſſ.* 3. 8.

## EXAMEN.

*Vnneceſſarily?* Boldly ſpoken: and were I ſure that one of my fellowes or equalls had written it, I ſhould without breach of good manners, pronounce it ſaucineſſe little ſhort of blaſphemie. Was it not *neceſſary* that the Apoſtles ſhould have a livelihood? And was the procuring of it by *labouring with their hands* (although I know none but one, after CHRISTS Aſcenſion, that was put unto it) to avoyd the oppreſſion of poore converts, or to prevent ſcandall among either poore or rich, converted or unconverted, an *unneceſſary* thing? This may bee a ſtraine of Policie paſſable enough among Spirituall Lords of Parliament, but was never knowne to bee good Divinity among

amorg ſuch as deſire to approve themſelves unto GOD.

I have bin taught that *Neceſſarium* is put ſometimes *pro utili & pro congruo & conuenienti*, as well as *pro naturali ſeu debito*, or *pro violento ſeu coacto*. And I have learned among the Schoole-men, that there is a neceſſitie not only *abſolutè & ſimpliciter ſic dicta*, but alſo *ex ſuppoſitione & conditione*, when a thing not ſimply neceſſary in it ſelfe, becomes ſuch in regard either of end, meanes, circumſtance, or otherwiſe. When Saint *Iohn* (1 Epiſt. 2. 27.) tells the Chriſtians, *yee need not that any man teach you*, was his writing to them to inſtruct them further, *unneceſſary?* When Saint *Pauls abiding in the fleſh* was *more needfull in regard* of the *Philippians, for their furtherance and joy of faith*, *Philip.* 2. Shall any man be ſo hardy, as to avouch his abode in the fleſh to be unneceſſary, which yet was not ſimply neceſſary in it ſelfe, or unto him?

So, circumſtances of time, place, and perſon, may make that *neceſſary* in ſome places, at ſome times, and among ſome perſons, which yet of it ſelfe is not ſo. Thus was it in ſome of thoſe particulars which are called *theſe neceſſary things*, *Acts* 15. 28. yet were it no ſmall preſumption for any man to call *thoſe things*, in reference to that very Text, without ſome diſtinction expreſſed, *unneceſſary*. So it is here.

When Saint *Paul* ſaith, *theſe hands have miniſtred unto my neceſsities*, *Acts* 20. 34. ſhal any man ſay, that miniſtration was *unneceſſary?* If it bee ſaid, it was ſo, in regard of his right to maintenance; it is true; but, when it is pronounced without ſuch limi-

limitation, it is a contradicting and thwarting of the Apostles expression, as if hee wanted skill or care to expresse himselfe as became him, and a misleading of an uncautious Reader, to swallow downe an errour inferred from it. For what is hence intended to bee inferred, but this; That, as the Apostles did *unnecessarily* labour with their hands when they might have avoided it: So Bishops may according to that example, vote in Parliament, although the thing bee found unnecessary to a Bishop? Now this is a corrupt inference from ambiguous premisses, and the ambiguity lies in the word *unnecessarily*: for if the word bee spoken absolutely and without all limitation, it is absolutely false: if a limitation bee intended, it ought to have been expressed, and then any intelligent Reader would soone have beene led to consider and compare that act of the Apostle, with the present *unnecessarinesse* of Bishops votes in Parliaments; and thereby have beene enabled to discover the weaknesse and unsufficiency of this unnecessary impertinent Answere, because hee would easily have found great and wide differences betweene those two cases. 1. Working for a livelihood is a matter of necessity, when it cannot otherwise bee so well obtained without oppression or scandall, which was the Apostles case: But Bishops voting in Parliament, when no necessity at all, either of maintenance or scandall can bee feared, is a worke of supererrogation, and an unnecessary sinfull neglect of their owne Function. 2. The Apostles working with his hands might better consist with the exercise of his Ministeriall Office, because hee had his furni- Mat 10.19,20 Ioh. 16.13,14

 ture

Gal. 1. 11, 12. ture thereunto by divine inſpiration, whereas all men now muſt continually and induſtriouſly apply themſelves to their Bookes and Meditations, to 1 Tim. 4. 13. 2 Tim. 2. 15. make them *workemen that need not to bee aſhamed.* 3. The Apoſtles working with his hands was but for a ſeaſon while the preſent neceſſity laſted, but the Biſhops would willingly Vote in Parliament to the end of the world, although there bee no neceſſity of it at all, but great inconvenience and ſcandall accruing to the Church thereby, and a Bil tranſmitted by the honourable Houſe of Commons to the Lords againſt it, as many wayes inconvenient and intolerable.

It were eaſie to adde more differences, but theſe may ſuffice: So alſo may that which hath beene already ſaid, for the clearing of thoſe other two 1 Theſ. 2. 9. 2 Theſ. 3. 8. Texts that remaine.

## 4. ANSVVER, to the firſt REASON.

" *What hinderance can it be to their Calling, that*
" *once in three yeares, when they muſt neceſſari-*
" *ly attend the Convocation, they divide ſome part*
" *of that ſhort time to the attendance of Par-*
" *liament?*

### EXAMEN.

This is not an *Anſwer*, but a Queſtion; and ſuch as, if the firſt *Anſwer* bee true, little needed. But that which hath beene ſaid in examination of that firſt Anſwere, may alſo ſuffice to ſatisfie this

In-

Interrogation. The *hinderance* lyes not ſo much in the expence of a ſhort ſpace ſpent in the Parliament Houſe, as in the long time requiſite to fit a Biſhop for ſuch multiplicity of weighty buſineſſes as are proper for a Parliament: except hee thinke it enough to vote Bils by rote, according to the impetuouſneſſe of his friends, or the loudneſſe of the cryes made for or againſt them.

Beſides, Times and other Circumſtances may, and often do ſo alter the State of the ſame matters; that, if even the ableſt and moſt vigilant Sateſman bee not more aware, Bils may be offered, which are perhaps moſt plauſible in preſent appearance, and might bee very profitable too, at ſome other ſeaſon, that would prove moſt pernicious in the iſſue, if now they were ſuffered to paſſe. Now, he that hath not his eyes in his head, or his head not conſtantly at worke (even out of Parliament) to obſerve and ponder the ſeverall changes and windings of affairs and ſeaſons, can never bee a judicious Peere in Parliament; but (at his beſt) an Emperick, who, when his totall is caſt up, is ever found more hurtfull than profitable, yea a very peſt to the publike; unleſſe, laying all other buſineſſe aſide, hee double his induſtry to make future recompence for his preſent inſufficiency, and by his diligence to ſupply the defects of his former education, as to this Calling, he having been firſt intended and moulded for another profeſſion.

And, if Biſhops take this courſe, to become like *the children of Iſſachar, men that have underſtanding of the times to know what Iſrael ought to doe*, and to enable themſelves for Parliaments indeed; it is eaſie 1 Chro. 12. 32

to conclude, what hinderance this not onely may bee, but cannot but bee to their Miniſteriall Function. For, if the *Levite* take upon him *Iſſachars* Office, and fall to tampering ſo high in Temporalls, hee will ſoone prove an *Iſſachar* in Spirituals, and become couchant betweene his two burthens.

Gen. 49. 14.

Againe, I hope it will very ſhortly appeare, that it will be farre from being *neceſſary* for Biſhops *once in three yeares, to attend the Convocation*, as the frame of both yet ſtandeth among us. Our *Convocation* is but a meere ſhadow, a plaine mockery. Synods were ordained for more uſe and activity, than to patter over a latine Letany upon Wedneſdays and Fridays, and to give ſo many Subſidies as it pleaſeth his Grace to propound to the engaged and enthralled Clergy; or to paſſe a few illegall, ſeditious, Antiparliamentary Canons, firſt caſt in the mould of ſome brain-ſick Incendiary, that would needs be the *Dominus fac totum*, and the head of a pragmaticall, Papiſticall, Atheiſticall Sanction.

And, if Synods were (as I truſt they wil bee) reſtored to their priſtine courſe and extent, agreeable to the Word (without which, better we never ſaw Convocation more, as, I hope, wee ſhall not) there would be ſo much worke to doe in them, as would even tire out the moſt indefatigable ſpirits of the ableſt men, to conſider of errours in doctrine which daily creepe in to corrupt the truth; of explanations of Doctrine already eſtabliſhed, when perverſe men make uſe of the generality or ambiguity of the terms wherein they bee couched, to countenance their fancies and fanaticke opinions; of preparing a plat-

platforme of Diſcipline agreeable to the will of God, and uſefull for his people; of cenſuring ſuch as bee too great for leſſer Aſſemblies; and of Appeales from inferiour Synods to that higher Judicatorie.

Then, would godly and conſcientious Biſhops finde ſo much to doe in Convocations or Synods, as would leave them little leaſure for attendance in Parliaments, where the Peeres doe, or ſhould ſit every day (or they have little reaſon to Vote in thoſe Bills and Cauſes there agitated, when they have not heard the debates;) and ſoone let them ſee, that all the time they could redeeme (although they ſate every day, and ſate out the day) would bee much too little naturely to diſcuſſe, and deliberately to determine all buſineſſes of Synods. *Ergo*, it muſt needs bee a *very great hinderance* to the proper worke of their Calling, when, *once in three yeares they muſt neceſſarily attend the Convocation* (reformed, and reſtored to the truly Primitive nature, and uſe) if *they divide* any *part of that ſhort time to the* attendance of Parliament. Thus farre the Examination of all the *Anſwers*, to the firſt *Reaſon*, which being the Principall, I have beene the longer in it, aſwell for the aſſerting of the *Reaſon* it ſelfe, as for examining the ſtrength of the *Anſwers* that would, but cannot enervate or abate the vigour of it.

II. Reason of the Houſe of Commons.

BEcauſe they doe vow and undertake it at their Ordination, when they enter into holy Orders, that they will give themſelves wholely to that Vocation.

I. Answer.

To this a three fold *Anſwer* is given.

"*This Vow and undertaking in Miniſters Ordination is quite miſtaken: The words are in the Biſhops Exhortation, not in the Miniſters Anſwer.*

Examen.

*Miſtaken*, and *quite miſtaken?* Why ſo? Becauſe *the words are in the Biſhops Exhortation, not in the Miniſters Anſwer.* But where hath the Houſe of Commons yet ſaid, that the *words are in the Miniſters Anſwer?* Surely not in their ſecond *Reaſon*, againſt which this *Anſwer* is directed. Therefore, this branch of the *Anſwer* to that *Reaſon* might have well beene ſpared.

The words are confeſſed by the *Anſwerer* to bee uſed at the *Miniſters Ordination.* This is enough to juſtifie the Houſe of Commons, and their *Reaſon.* And, what though it bee ſpoken by the Biſhop, not by the Miniſter at that time? this doth not diſprove his *Vow.* Little children utter no words

words in Baptiſme; yet, doe they not enter into a *Vow*, when the Miniſter declareth upon what terms they be admitted, and the whole action is managed by others?

The Biſhop ſpeakes theſe words at the Ordination of Miniſters; *We have a good hope that you have well weighed and pondered theſe things with your ſelves, long before this time, and that you have clearely determined by Gods Grace, to give your ſelves wholly to this Vocation, whereunto it hath pleaſed God to call you, ſo that (as much as lyeth in you) you apply your ſelves wholly to this one thing, and draw all your cares and ſtudies this way, and to this end.*

All this the Miniſters heare when they enter into holy Orders. The Biſhop takes it for granted that they have done all this; that they have fully reſolved, and *decreed* it, (as the Latine hath it) long before, and that by invocating of Gods Grace for performance; which decree beforehand, with invocation ſuppoſed, and conſent at preſent to bee admitted into Holy Orders upon this condition, by their ſilence witneſſed, makes it to amount (materially, if not formally, *quoad omnia*) to a Vow, that is, to ſuch an obligation as engageth them to *undertake* and make good what in this Reaſon is affirmed of them. For, I have learned ſo much out of *Calvin*, the Civilian, that ſometimes *Votum ponitur pro conſenſu*: and no man denies ſilence, in ſuch an action, to bee conſent. And more than this, the Houſe of Commons ſay not: for they ſpeake not of a formall Vow vocally pronounced by the Miniſter, in that action. *Lexic. Iuriſ.*

How-

Howbeit, if I may utter my private opinion freely of this point, without prejudice to the Houſe of Commons, and without engaging them further than themſelves intended; I humbly conceive, that the Church of England, in her fifth Queſtion propounded by the Biſhop in the ordering of Miniſters, doth fully intend as much as is contained in thoſe words of the Exhortation before rehearſed: and, to that Queſtion, the Miniſter poſitively anſwereth, *I will endeavour my ſelfe ſo to doe, the Lord being my helper.* *Ergo*, hee formally voweth at his Ordination, what is contained in the Second Reaſon of the Houſe of Commons.

To cleare this, I ſhall firſt ſet downe the words of the Queſtion; *Will you bee diligent in prayers, and in reading of the holy Scriptures, and in ſuch ſtudies as helpe to the knowledge of the ſame, laying aſide the Study of the World and the Fleſh?* To this, the party to bee ordained anſwereth, *I Will endeavour my ſelfe ſo to doe, the Lord being my helper.*

Next, I muſt pray the Readers to conſider, that the ſureſt expoſition of theſe words muſt needs bee found in that Booke from whence the words were taken, and ſet into the Booke of Ordination more briefly than in the Originall they bee expreſſed. All the learned know, that *Bucer* was the chief man, who at the requeſt of *Cranmer*, cenſured the firſt Publike Leiturgie of *Edward* 6. whereupon it was reduced to a better forme.

In that firſt Booke, there was no forme of *Ordination* preſcribed: but in the 5. 6. *Edward* 6. it

was

was added. This *Exhortation* and the *Queſtions* and *Anſwers* to them, in our preſent Booke of *Ordination*, were not borrowed (as ſome ſuggeſt) out of the Romane Pontificall, but were *Verbatim* taken out of that grave and learned Treatiſe of *Bucer* entituled, *De Ordinat. Legitima Miniſtrorum Eccleſ. Cap. ult.* extant in his *Script. Anglican.* *Ergo*, the full meaning and latitude of this Queſtion muſt bee taken thence.

Now the Queſtion is there propounded thus; *Tempus omne quod vobis a ſacris Miniſteriis publicis & privatis, ac neceſſaria & frugali corporis cura ſuperfuerit, id omne precibus & lectione Divinarum Scripturarum, itſque ſtudiis quæ cognitionem Scripturarum, & docendi facultatem adjuvant & ornant, rejectis a vobis cunctis mundi & carnis ſtudiis & negotiis, feriis & ludicris, impendetis?* The Anſwere, *Impendemus, juvante nos Domino.*

So then, the full latitude of the Queſtion (which is contracted in the booke of Ordination) extends to a ſolemne vow and undertaking on the Miniſters part, when hee enters into Holy Orders, to beſtow all his time, either in the exerciſe of his Office, or fitting himſelfe further for it; and, to lay aſide not onely the *vanities* and *pomps* of this wicked world (as hee vowed to doe in Baptiſme;) but all ſecular *buſineſſes* and imployments; neceſſary proviſion for himſelfe and family (which God himſelfe impoſeth upon all) excepted. And all this,

in his ſolemne *Anſwere* made to the Biſhop at his Ordination, the Miniſter formally covenanteth and voweth by Gods grace to performe. Which being ſo, there can no ſcruple remaine in any impartiall man, but that the ſecond *Reaſon* of the Houſe of Commons is true, ſolid, and concluding againſt the Biſhops Votes in Parliament, *quod erat demonſtrandum.*

## 2. ANS. to the ſecond REASON.

" *The Biſhop hopes they will give themſelves*
" *wholely to that, and not to any other Trade or*
" *Vocation.*

## EXAMEN.

And *hope* ſo hee cannot, if Biſhops may ſtill vote in Parliament. Becauſe they cannot doe that, with profit or ſafety to the Common wealth, without giving their mindes not to ſome one other ſingle trade or vocation only, but to every trade and courſe of life, ſo farre as to make them complete Sateſmen, as hath beene ſhewed before. For, what Trade or Vocation is there to be found, which ſometime or other makes not buſineſſe for the Parliament? And how ſhall hee give a Vote in it with judgement, that hath not a good inſight into all the Myſteries of it.

If it ſhould (as poſſibly it may) bee objected, that

that by this ſtrict rule, many of the Nobility, ſhould bee excluded? I anſwere, that if they bee not throughly qualified and furniſhed for that worke, the more the pity, becauſe the more the Common wealth ſuffers by their inſufficiency. Howbeit the ingenuouſneſſe of their nature and education, will make them leſſe forward in ſpeaking, and more diligent in hearing their ancients and men of more gravitie and experience. Nor is it fit that for ſuch inſufficiencies they ſhould be turned out, but rather remaine there as in a Schoole (as wee ſee ſome of the ſonnes of the Noblemen doe) to traine them up to doe ſervice there to the King and Kingdome, it being an honour to which they were borne; whereas Biſhops ſit there but *Precario*, and are out of their Callings all the while.

But, is that all that the Biſhop *hopes*, namely, that the perſons to bee ordained will not take *another Trade or Vocation* upon them? Then belike, if a Miniſter doe not profeſſe the Trade of a Taylor, hee may yet ſpend part of his time in Tayloring. Hee may ſometimes give himſelf to Brewing, ſo he ſet not up a Brewhouſe, *&c.* But ſurely our Law is ſo ſtrict in ſuch caſes, that it forbids Miniſters to have ſo much as a Brewhouſe or Tan-houſe, although managed by others, further than for the neceſſaries of houſe keeping; nor otherwiſe, to take to Farme or Leaſe, any Lands or Tenements, albeit the ſame bee occupied by ſome other perſons,

if it bee to the Miniſters uſe. 21. *Hen.* 8 13.

And why ſo? Is it becauſe the Lawes doe envie the wealth of Spirituall perſons? That were an uncharitable ſurmiſe. The end was, that Miniſters might have no occaſions of a vocation from their Studies and Miniſteriall Function, but have more opportunity to beſtow themſelves wholely thereupon, according to what they promiſed and undertooke at their Ordination, *for the more quiet and vertuous increaſe and maintenance of Divine Service, and preaching and teaching of the Word of God, &c.* as the entrance into that Statute doth expreſſe it.

So then, if we conſider Biſhops, according to what the Common wealth expecteth from them in her Lawes, as well as what the Church bindeth them unto in their Ordination, as Miniſters of the Church of England, they may not regularly, give themſelves not onely wholly to any Trade, but not at all to any imployment but the Miniſtery, and to that which is neceſſarily required to fit them for it, and ſupport them in it.

## 3. ANS. to the ſecond REASON.

" *Wholely in a Morall, and not in a Mathema-*
" *ticall ſenſe, that will admit no Latitude: els*
" *there might the ſame exception bee taken a-*
" *gainſt their juſt care of proviſion for their*
" *houſhold affaires.*

EXA-

## EXAMEN.

If they by their Ordination bee bounded Morally; the Houſe of Commons will never, I preſume, trouble themſelves about the *Mathematicality* of the *Vow*. Nor will I be ſo bold, to ſay of this diſtinction, of the words of the *Exhortation* in queſtion, as the Author of the *Holy Table, Name, and Thing*, doth of a like ſubtile interpretation of a *Rubrick*, newly minted by his Antagoniſt, *praying him to remember, that the Rubrick was written for the uſe of the Engliſh, not of the Gypſies or Egyptians.* Yet this I ſuppoſe I may freely and truly ſay, that neither Learned and Pious *Martin Bucer*, nor the plaine meaning Church of England, which borrowed that Exhortation from *Bucer*, ever ſo much as dreamt of the Mathematickes, or of that diſtinction here given, in thoſe words of the Exhortation; but meant honeſtly and plainly to let all Miniſters know, that, without diſtinctions or tricks, they are to bind themſelves wholly and abſolutely, *Mathematically* aſwell as *Morally*, to that Vocation of the Miniſtery; further than the neceſſity of livelyhood enforceth them to ſpend ſome time to ſupply the wants and neceſſary occaſions of them and theirs. And to this I may, I hope, without offence make bold to adde (becauſe I have learnt it from the ſame Author, of the *Holy Table, &c.* page 52. as hee out of *Ariſtotle, Anal. Poſt. Lib.* 1. *Cap.*12) Ὡς οὐκ ἂν εἴη ἐν ἀγωμετρήτοις περὶ γεωμετρίας διαλεκτέον· λέγει γὰρ ὁ φαῦλος διαλεγόμενος. *You muſt not diſpute in termes of Geometry; with thoſe that verſe* Page. 54.

*not in Geometry; otherwise you will ſhew your ſelfe but a ſoule and ſophiſticall diſputant*, as that Author hath it.

But let the diſtinction bee as it will; thus much is clearely gotten by it, that the *Anſwerer* hereby yeeldeth, that, *Morally* Biſhops cannot vote in Parliament, without croſſing the expectation of, and condition propounded by the Church, in admitting them to Holy Orders; and that they vote there and imploy themſelves in ſecular affaires *Mathematically* only. Surely, if their voting there (for that wee know is the thing to bee aſſerted by him in his *Anſwers*, becauſe that is it which is oppoſed in the Reaſons of the Houſe of Commons) conſiſt not with the Rules of Morality, it is no great credit for them to retaine that honour, nor will it at length bring in much comfort to them, when they muſt yeeld up their accounts to God, that they were never forbidden it according to the ſtrict Lawes of the *Mathematickes*, although indeed *Morally* they were bound from it.

And what, muſt they needs bee debarred from *the juſt care of proviſion of their houſhold affaires*, if denyed votes in Parliament, and liberty unto ſecular imployments, to enable them ſo to vote? Nay, God himſelfe not only allowes, but impoſeth upon all men a care of their family-buſineſſe and government, *Prov.* 27. 23. and he that is negligent herein, is pronounced *worſe than an Infidell*, 1 *Tim.* 5. 8. God hath not divided this from any Calling, in ordinary courſe. And what hee hath joy-

joyned, no man may ſeparate. Therefore, both the Church in her *Ordination* (as appeared by the larger expreſſion thereof before out of *Bucer*) and the Kingdome, in her Lawes (as is alſo manifeſt in the Statute before alledged) excepteth this care of proviſion for their houſholds, when yet both Church and Kingdome binde them to give themſelves (in all other particulars) wholly to the Calling, ſtudy and exerciſe of the *Miniſtery*, *which they have received in the Lord, that they may fulfill it.* Colloſ. 4 17

## III. Reas. of the Houſe of Commons.

BEcauſe Councels and Canons in ſeverall ages do forbid them to meddle with Secular Affaires.

To this 3. *Reaſon* a five fold *Anſwere* is directed.

### I. Answer.

" *Councels and Canons againſt Biſhops Votes in*
" *Parliament, were never in uſe in this King-*
" *dome, and therefore they are aboliſhed by the*
" *Statute,* of 25. Hen. 8.

### II. Answer.

" *So are they by the ſame Statute, becauſe the*
" *Lords have declared that the Biſhops vote*
" *hereby the Lawes and Statutes of this Realm;*
" *and all Canons that croſſe with thoſe, are there*
" *aboliſhed.*

III. Rea-

## III. Answer.

" *So are they by the ſame Statute, as thwarting*
" *the Kings Prerogative to call Biſhops by ſum-*
" *mons to vote in Parliament.*

## IV. Answer.

" *So are they by the Vote of the Houſe of Commons,*
" *21. Maii 1641. becauſe they are not confir-*
" *med by the Act of Parliament.*

## Examen.

I put all theſe *Anſwers* together, becauſe they will not need diſtinct Examinations, they being much what coincident, at leaſt in the maine ſcope, which is; to keepe this third *Reaſon* out of the Court, as being no ſufficient evidence in Law, to eject the Defendants out of their holds in Parliament, againſt ſome of their deſires.

It is acknowledged, that no Councels or Canons, not confirmed by Parliament have, here in England, any power to bind the ſubjects either of the Clergie, or of the Laitie; as hath been clearly *Reſolved upon the Queſtion*, this Parliament, in both houſes.

But whether the Houſe of Commons referre to any Canons ſo confirmed, I may not take upon mee to affirme or deny; becauſe they have beene pleaſed to forbeare to cite thoſe to which they

they doe referre. Nor can it bee, I thinke, denyed, that any Canons were in uſe within forty yeares before the Statute of 25. *Hen.* 8. 19. (to which I conceive the *Anſwerer* hath relation) againſt Biſhops votes in Parliament: and ſo, Biſhops bee ſhot free from ſuch Canons, if urged againſt them in that capacity, as binding Lawes.

But what nede the Anſwerer to have taken all this paines of multiplying of *Anſweres* to ſhew that no Councels or Canons not ratified by Parliaments, bee binding to Biſhops, in this or any caſe whatſoever? For, where hath the Houſe of Commons ſo urged them? Surely, not here. They have not vouched them as Lawes to thruſt the Biſhops out of the Houſe of Peeres, as ſitting there againſt the Lawes already in being; but, as rationall Arguments and prudentiall Grounds, to induce the Parliament to uſe their Legiſlative power to abrogate the Lawes (if any be) for their ſitting there; ſeeing that many godly Biſhops in former Ages have made divers religious and wholeſome Conſtitutions and Proviſions againſt ſuch exorbitant uſurpations of the Clergie. For however thoſe Canons bee not formally obligatory here, yet are they really worthy the Conſideration of thoſe who have a power to reduce Biſhops by a binding Law to that which heretofore ſo many learned and pious men of their owne Coat and Calling, have pronounced and decreed to be juſt and neceſſarie.

Further than this the Houſe of Commons bee not engaged. And who knows not that the Biſhops and their Officers have, and ſtill doe urge divers Canons of forraigne Councels and domeſtique

too, that never were confirmed by Parliament ) upon both Clergie and Laitie, when ſuch Canons make for the Biſhops or their Officers. And theſe muſt take effect, like the Laws of the *Medes* and *Perſians*. And yet now, when they ſee ſuch Canons turned upon themſelves, although not as Lawes, but as rationall arguments only, how witty they be in putting off all by the Statute of 25. *Hen.* 8. which makes nothing at all againſt the Houſe of Commons, or this *Reaſon* produced by them!

And what offence, or incongruity was it in the Houſe of Commons, to urge Canons and Councels againſt the Biſhops in this particular, when no Divine that ever complained of ſuch uſurpations of the Clergie hath held it incongruous to preſſe the very ſame againſt them? I will not trouble my ſelfe or others with many inſtances; that alone ſhall ſuffice, which hath beene before * alledged out of *Matthew Parker* Archbiſhop of Canterburie. That Prelate taxing the exceſſive exorbitances, and ſcandalous courſes of the Clergie, in the reigne of *Richard* 1. was not affraid to give this as the chiefe (if not the only) reaſon of all that prodigious breaking out, *Quod contra Orthodoxorum Patrum decreta &c.* that contrary to the decrees of the Orthodoxe Fathers, the Clergie did too much intermeddle in worldly buſineſſes.

* *Exam.* of the firſt *Anſwer* to the firſt Reaſon.

If then, ſo great a Prelate did well in laying this home to the charge of the Clergie, that their not regarding the Decrees and Canons of former Councels, was the maine cauſe of all the evills committed by them; it cannot unbecome the Houſe of Commons aſſembled in Parliament, and paſ-

ſin

ſing a Bill againſt Biſhops Votes in Parliament, to produce and uſe the Canons and Councels, of Biſhops themſelves againſt ſuch courſes, held on and maintained by our Biſhops againſt the judgement, and ſolemne determinations of their owne Predeceſſors, in the Prelacy in all the Churches of Chriſt.

As for the Declaration of the Lords, that *the Biſhops Vote in Parliament by the Lawes and Statutes of the Realme*, I meddle not with it, becauſe as I am ignorant of the Lawes and Statutes by which they vote, ſo am I not acquainted with what the Lords have declared thereupon. Only I have heard, that divers *Abbots voted as anciently in Parliament as Biſhops, yet are taken away.* Yea, this *Anſwerer*, hath informed mee, that anciently the *Biſhops* were *aſſiſted* in Parliament; *with a double number of Mitred Abbots and Priors.* But Sir *Edward Cooke* could find no more in the Parliament Rolles but twenty ſeven Abbots and two Priors, *Commentary* on *Littleton Inſtitutes Sec.* 138. Nor doe I know the difference of the Tenures of the one or of the other; or why in regard of originall right, Biſhops ſhould rather vote in Parliament than *Abbots* and *Priors*, ſo long as thoſe Orders continued in being. That great Maſter of Law, before named tels us, that both Abbots and Biſhops were called to Parliament by the Kings *Writ*, elſe, they came not there, although they held of the King *Per Baroniam.* Witneſſe the Abbot of the Monaſterie of *Feverſham* founded by King *Stephen*, who albeit hee held by Barony, yet for that hee was not called by Writ hee never

*Anſwer to Reſ. fol. 7.*

*Ibid.*

ſare in Parliament. And perhaps, it is not ſimply a Barony that gives all the Biſhops a right to ſit there, for I have read ſomewhere, that all the Biſhops of King *Henry* 8. his foundation have not Baronies annexed to them. Yet they are called by Writ, and vote as Peeres in Parliament.

But, bee their right what it will, I heare nothing from the *Anſwerer* how farre this right extended. The Lords have, I believe, declared, in this very Parliament, that the Biſhops have no votes *in cauſa Sanguinis*; and, I thinke the Biſhops have found it to be ſo. And to my ignorance it is a ſcruple, whether they had originally any libertie of Votes in Civill and State affaires, and were not reſtrained meerly to matters of Religion.

*Ibid.*

The reaſon of my ſcruple is, becauſe I finde in the ſame Commentaries of Sir *Edward Cooke* (for I confeſſe, I aſpire not ſo high as to looke into the Rolle it ſelfe) a tranſcript of an ancient Record forbidding them to intermeddle, upon paine of forfeiting their Baronies, with any matters concerning the Crowne, the perſon of the King, his Eſtate, or the State of his Councell: the words are theſe; *Mandatum eſt omnibus Epiſcopis qui conventuri ſunt apud Glouceſtriam die Sabbati in Craſtin' Sanctæ Katherinæ, firmiter inhibendo, quod ſicut Baronias ſuas quas de Rege tenent, diligunt, nullo modo præſumant Concilium tenere de aliquibus quæ Coronam Regis pertinent, vel quæ Perſonam Regis, vel ſtatum ſuum, vel ſtatum Conſilii ſui contingunt; ſcituri pro certo, quod ſi fecerint, Rex inde ſe capiet ad Baronias ſuas. Teſte Rege apud Hereford, 23. Novemb. &c.* This was in the 8. of *Hen.* 3. and, in a great Councell

*Rot. Pat. de An. 38. H. 3. m. 17.*

*Vide Pol. Virg. in H. 3.*

cell or Parliament; not in a private Councell of Domeſticks of his owne Court, as *Polydore Virgil*, and *Matthew of Weſtminſter* would inſinuate. *14 Hen. 3. ad an.* 1234.

Touching the *Kings Prerogative*, it is too ſacred to be handled by common or private hands. Farre be it from me to ſet bounds to it, or to wade farre in it. Only, I believe that the Kings Prerogative is for the good of his people: and, if any perſon unworthy and altogether unfit (and therefore uncapable) ſhould, by the Prerogative Royall, be called to, and imployed in any place or office of truſt, wherein the whole Kingdome is interreſſed, this were an abuſe of the Prerogative, cauſed by Him that did miſinforme the King; and there is no doubt, but a juſt King who ſhould be ſo abuſed, would ſoone upon better information, recall ſuch a Grant, or Writ. If then the Biſhops ſhall be found to be perſons altogether unfit for ſuch high honour and truſt (wherein all the Kingdome is ſo deeply concerned) I only aſk (I determine not) what *thwarting of the Kings Prerogative* it could juſtly bee ſaid to bee, to paſſe an Act with the Kings *Soit fait, &c.* unto it, that no more ſuch Writs ſhall henceforth iſſue to any Biſhop of the Kingdome.

## 5. ANS. to the third REASON.

" *This Argument was in a manner deſerted by Maſter* Perpoint, *and confeſt to be but an* Argu-
" mentum ad hominem.

ſate in Parliament. And perhaps, it is not ſimply a Barony that gives all the Biſhops a right to ſit there, for I have read ſomewhere, that all the Biſhops of King *Henry* 8. his foundation have not Baronies annexed to them. Yet they are called by Writ, and vote as Peeres in Parliament.

But, bee their right what it will, I leare nothing from the *Anſwerer* how farre this right extended. The Lords have, I believe, declared, in this very Parliament, that the Biſhops have no votes *in cauſa Sanguinis*; and, I thinke the Biſhops have found it to be ſo. And to my ignorance it is a ſcruple, whether they had originally any libertie of Votes in Civill and State affaires, and were not reſtrained meerly to matters of Religion.

Ibid. The reaſon of my ſcruple is, becauſe I finde in the ſame Commentaries of Sir *Edward Cooke* (for I confeſſe, I aſpire not ſo high as to looke into the Rolle it ſelfe) a tranſcript of an ancient Record forbidding them to intermeddle, upon paine of forfeiting their Baronies, with any matters concerning the Crowne, the perſon of the King, his Eſtate, or the State of his Councell: the words are theſe; *Mandatum eſt omnibus Epiſcopis qui conventuri ſunt apud Glouceſtriam die Sabbati in Craſtin' Sanctæ Katherinæ, firmiter inhibendo, quod ſicut Baronias ſuas quas de Rege tenent, diligunt, nullo modo præſumant Concilium tenere de aliquibus quæ Coronam Regis pertinent, vel quæ Perſonam Regis, vel ſtatum ſuum, vel ſtatum Conſilii ſui contingunt; ſcituri pro certo, quod ſi fecerint, Rex inde ſe capiet ad Baronias ſuas. Teſte Rege apud Hereford, 23. Novemb. &c.* This was in the 8. of *Hen.* 3. and, in a great Councell

*Ex. Pat. de An. 38. H. 3. m. 17.*

*Vide Pol. Virg. in H. 3.*

cell or Parliament ; not in a private Councell of Domeſticks of his owne Court, as *Polydore Virgil*, and *Matthew of Weſtminſter* would inſinuate. *14 Hen. 3 ad an.* 1234.

Touching the *Kings Prerogative*, it is too ſacred to be handled by common or private hands. Farre be it from me to ſet bounds to it, or to wade farre in it. Only, I believe that the Kings Prerogative is for the good of his people: and, if any perſon unworthy and altogether unfit (and therefore uncapable) ſhould, by the Prerogative Royall, be called to, and imployed in any place or office of truſt, wherein the whole Kingdome is interreſſed, this were an abuſe of the Prerogative, cauſed by Him that did miſinforme the King; and there is no doubt, but a juſt King who ſhould be ſo abuſed, would ſoone upon better information, recall ſuch a Grant, or Writ. If then the Biſhops ſhall be found to be perſons altogether unfit for ſuch high honour and truſt (wherein all the Kingdome is ſo deeply concerned) I only ask (I determine not) what *thwarting of the Kings Prerogative* it could juſtly bee ſaid to bee, to paſſe an Act with the Kings *Soit fait, &c.* unto it, that no more ſuch Writs ſhall henceforth iſſue to any Biſhop of the Kingdome.

## 5. ANS. to the third REASON.

" *This Argument was in a manner deſerted by Ma-*
" *ſter* Perpoint, *and confeſt to be but an* Argu-
" mentum ad hominem.

## EXAMEN.

It is very true, that Noble Gentleman, after he had faithfully and like himſelfe diſcharged the truſt committed to him by the Houſe of Commons in writing, hee added a few words, in the cloſe of that Conference with the Lords to this effect; that how ever hee was commanded to urge this Reaſon taken from *Councels* and *Canons*, yet the Houſe did only borrow theſe Arrowes out of the Biſhops own Quivers, to uſe them as weapons againſt themſelvs; not with any purpoſe to bind the Houſe of Commons or other the ſubjects by them.

This was not in any ſort a deſertion of the Argument, but a ſeaſonable explanation of the Houſe of Commons in what ſenſe they uſed it. And were it but *Argumentum ad hominem*, yet was it *ad il'os homines* whome it chiefly and moſt neerly concerned, to wit the Biſhops themſelvs, and had force enough in my apprehenſion, to ſilence them, if they ſhould offer to open their mouthes in defence of holding their places and votes in Parliament, any longer. For, if they would but conſider what ſo many famous Biſhops and Councels have ſaid, and decreed againſt Clergie mens interpoſing in, and mingling themſelves with Civill and Secular affaires (which yet be not of that import and conſequence, as theſe in queſtion bee) common ingenuity would make them to lay their hands upon their mouthes, and leave the diſcuſſion and determination hereof to others who are not intereſſed in it, and therfore more likely to bee leſſe partiall in reſolving of it.

IV.

## IV. Reason of the House of Commons.

BEcauſe the twentie foure Biſhops have a dependency upon the Archbiſhops, and becauſe of their Canonicall obedience to them.

### 1. Answer.

" *They have no dependency upon the Archbiſhops,*
" *but in points of Appeale, and Viſitation on-*
" *ly. And owe them no obedience, but in theſe*
" *two points. None at all in Parliament, where*
" *they are* pares *their Equals: And, as* Bracton
" *tels us,* Par in Parem non habet imperium.
" *What hath Canonicall obedience to doe with a*
" *vote in Parliament, declared in this Bill to be*
" *no Eccleſiaſticall, but a ſecular affaire?*

To this *Reaſon* a two fold *Anſwer* is framed.

### Examen.

The *Reaſon* conſiſts of two branches, *dependency* and *obedience*; both which render Biſhops unmeet to vote in Parliament. For, where theſe two relations meet, make but the Archbiſhops of a ſide, and it will be eaſie to draw the reſt the ſame way. The *Anſwer* endeavours to take off both at one pull, becauſe there is neither *dependance* upon, nor *obedience* due to the Archbiſhops but in two points, *Appeales*, and *Viſitations*, which no way concern Parliaments or the diſpoſe of their votes therein, where they bee all *Equals*, and where the Vote is only a *Secular* Act.

To

To examine the truth of the Anſwere ſo farre as it denyes all *dependency* or *obedience*, but in *Appeales*, and *Viſitations*, were not altogether impertinent; if it were a time of leaſure, becauſe it is with ſo much confidence denyed. Bee there no reſerved Caſes pertaining to the Metropolitane, no Prerogative wills, no Inhibitions that may runne, and command in the Dioceſans Territories and Juriſdiction, ſave onely in Caſes of *Appeales*, and during the time of Metropoliticall *Viſitations*? Doth not the Archbiſhop command the ſeverall Biſhops, upon divers occaſions, to publiſh divers things, whether decreed in Synodes, or received from ſupreme Authority?

Hath the Metropolitan no power to correct and cenſure the delinquencies of the Biſhops of his Province, and to command them, by vertue of their Canonicall Obedience, to be more vigilant and diligent, when hee findes them ſlacke in their Office; to enjoyne them ſilence and obedience, if they conteſt and ruffle with his Grace *&c.* to give other ſenſes and interpretations of Rubricks and other matters contained in the Liturgie, than the Biſhop doth, ſo hee expound nothing contrary to the Booke; and is not the Biſhop to bee concluded by it? It were eaſie to adde many moe particulars, which cannot bee reduced to *Appeales* or *Viſitations*. Therefore here the *Anſwerer* came ſhort in his reckoning.

But hee that deſires to looke abroad and to ſee more of this, may conſult *Lancelott. Peruſin. Inſtitut. Iur. Can. Lib.* 1. *Tit.* 5. *De Epiſcopis & ſummo Pontif. Cap. Ad hoc.* in the addition of *Io. Bapt.* where it

it is ſaid, *in multiplicibus caſibus Archiepiſcopus in ſubditos Epiſcopos ordinariam habet juriſdictionem, ut in C. paſtoralis de offi. ordin. & Sylveſt. ponit duodecim.* And if theſe be not enow, hee may alſo ſee *Hoſtienſis ſum. li. 1. de offic. ordin.* where there be more caſes (even eighteene in number) expreſſed in certaine verſes, which are there likewiſe interpreted by the ſame Author of thoſe ſummes *Henricus de Seguſio.*

*Officium varium, forus, appellatio, crimen*
*Peccans, non parens, res, conſultatio, deſes*
*Præſul, Canonici tumidi, ſententia nequam.*
*Viſitat, indulget Cuſtos quia Papa dat uſus,*
*Permutat ſocijs ſuſpectum cumq. remittit.*
*Caſibus his Primas * ſubjectio Præſules arcet.*

* Subjection, ſeg-ſan.

I forbeare to mention our owne *Lindwood*, and many moe. Theſe may ſuffice to ſhew in how many things Biſhops have dependance upon, and may be obnoxious to their Metropolitan, and how many wayes the Arch-Biſhop can meet with them, if they go not his way in all things that he is ſet upon.

And were it true, that there is no *dependency* upon, nor *obedience* due to the Arch-biſhop, but in *Appeales, and Viſitations*, as it is a truth that theſe have in themſelves no reference to Votes in Parliament: yet, who knowes not what influence an active and pragmaticall Arch-biſhop hath into the Votes of all his Suffragans, whom hee can pleaſure or diſpleaſe as he liſteth, as they Vote with him, or diſſent from him, after intimation or inſinuation of his mind in private to them?

Indeed, if we could imagine Biſhops and Arch-Biſhops to be ſo complete in ſincerity and ſanctitie

as their high Calling beſpeakes them, there were little ſtrength in this Reaſon of the Houſe of Commons. But, as the Prelates bee men, and not free from that which is humane, ſo the Houſe of Commons conceived it not undecent or uncharitable to inſinuate ſomething more than is plainely expreſſed to ſuch an Honourable and Intelligent Aſſembly of Lords: which reaſon as it is, hath force enough in it to weigh with rationall men; however, for the reverence they bare to the Miniſteriall function, the Houſe held it fitter to leave ſomewhat to be tacitely underſtood, than to ſpeake all out that is couched under it.

## 2. ANSWER to the fourth REASON.

"*This Argument reacheth not the two Arch-Biſhops,*
"*diſcharged in the Rubricke from this Oath:*
"*and therefore is no reaſon for the paſſing of*
"*this Bill.*

## EXAMEN.

"*No Reaſon?* I am ſure it reacheth twentie foure *Biſhops* home enough although two *Arch-Biſhops* ſhould ſlip Collar, which one of them cannot, and I thinke the other ſhall not. And the *Anſwerer* may bee pleaſed to remember that the Houſe of Commons brought up Reaſons, Why *Biſhops* ought not to Vote in Parliament.

It cannot be denyed but that in the maine body of their Reaſons they included *Arch-Biſhops* too. And it is true, this argument reacheth not to them.

What

What then? did the Houſe undertake to ſtrike home even unto *Arch-biſhops*, in every one of their *Reaſons*? Where doth that appeare? It is enough that they have ſufficiently done it in all the reſt foregoing. If the *Anſwerer* thinke otherwiſe, hee ſhall be ſure to meet with more Arguments againſt them, in the Reaſons following. Here indeed he hath ſufficiently confuted this fourth Reaſon, as to *Arch-biſhops*; but it was not their good happe to get ought by the bargaine, becauſe the Houſe of Commons thought not fit to include them within the compaſſe of the Argument, which is bent directly againſt Biſhops onely: and it is the unhappineſſe of the *Anſwerer*, to goe without his Trophee, even where he made himſelfe ſure of the Victory; for he hath fought with a ſhadow.

5. REASON of the Houſe of Commons.

BEcauſe they are but for their lives, and therefore are not fit to have Legiſlative power over the honours, inheritances, perſons, and liberties of others.

## I. ANSVVER.

" *Biſhops are not for their lives onely, but for their* " *ſucceſſors alſo, in the Land and Honour that per-* " *taine to their places; as the Earles and Barons* " *alſo are for their ſucceſſors, in their owne Lands* " *and*

To this *Reaſon* a 5. fold *Anſwer* is ſhaped.

*" and honours: And, holding their Lands in fee " ſimple, may with as good Reaſon Vote in the " Honours, inheritance, perſons, and liberties of " others, as others may and doe in theirs.*

## EXAMEN.

When the Houſe of Commons ſaith, that Biſhops *are but for their lives*, I conceive the Houſe to meane, that *Biſhops* have no right to place in Parliament but what dies with them, (as to their heires,) without hope that their ſonnes ſhall after ſucceed them in that dignity by vertue of their birth-right, or of the fathers ſitting in Parliament before them. And that therefore, Biſhops being at firſt but caſually mounted to that height and extent of power, by *William* the Conqueror, the more to endeere and oblige them upon all occaſions to ſerve him and his ſucceſſors in Parliament, they cannot (rationally and according to the principles of Policy and State) be hoped to be ſo carefull and reſolute in diſpoſing of their Votes, and in maintaining the priviledge, and honour of Parliaments as Temporall Lords may well be preſumed and expected to bee. For theſe being by birth-right and the fundamentall Lawes of the Kingdome, Lords of Parliament, and one of the Eſtates of the Kingdome (without whom a Law regularly cannot paſſe) they will bee more active and zealous for the good of their poſterity that are ſure to ſucceed them in the ſame place and Honour, and to ſhare in the benefit of the prudent and faithfull diſpoſe of their preſent ſuffrage.

In the fourth of his Reigne, *Caſe of Tenures.* 35. a.

But

But now the *Answerer*, denying the *Bishops to bee for their lives only*, and affirming them to be *for their successors, also, &c.* waives the sense and intention of the House of Commons, and diverts his Reader from the strength of their Argument. For, hee tells us, that Bishops are for their successors, as a kinde of Corporation in Law. It is true that a Bishop is a Corporation to some uses, but that he is so, in respect of his place and Vote in Parliament, the *Answerer* hath yet neither made nor offered any proofe at all. The Bishop is called thither by Writ to counsell the King, upon presumption of his personall sufficiency and fidelity: but *ubi gentium*, doth it appeare, that by vertue of the fundamentall lawes of the Kingdome, the Bishops must needs sit there as a Corporation, without which the Lords House cannot be full? Is it not only from Grace that Bishops were first allowed place there? And if so, they are not immoveable out of their places, and therefore they do not necessarily take up those places for their successors.

But suppose they sit there *for their successors*, yet will it bee very hard to suppose the next thing too, that Bishops are in the same manner there for their successors, in the Land and Honour that pertaine to their places, *as the Earles and Barons are for their successors in their owne Lands and Honours.* For, is there no difference betweene Successors that usually have no naturall legitimate relation to the present Bishops in any degree of consanguinity or affinity; and those of *Earles* and *Barons*, which are their proper heires at Law, and may claime and must enjoy the same Honour which their Ancestors have held before

them, if not tainted in bloud? No difference betweene thoſe that can no more bee denyed place in Parliament (without confuſion of all,) than the fundamentall Lawes of the Kingdome and the government thereof can be turned up by the Roots; and thoſe who firſt crept in by favour, to ſerve a Conquerors turne, by taking off their dependance upon the Pope and faſtening it upon himſelfe, and can derive no higher for ſitting (as now they doe) in the Houſe of Peeres, than an Act of Parliament, if ſo high: and therefore by another Act of Parliament, may be diſcharged?

Now, where the difference of the Title is ſo great, between a Biſhop and an Earle or Temporall Baron, both to their Lands and Honours, and Votes in Parliament; I much feare that the Nobility and Temporall Lords will hardly in their Houſe allow this doctrine, which yet is fitter for them to conſider of, than for me to confute: and therefore I leave it: only with this; that, if the Lords ſhall find cauſe to reject this poſition as heterodox, and deny the Biſhops to be in Parliament for their ſucceſſors in Lands and Honours in the ſame manner, or upon as good and immoveable title as the Nobility be for theirs; then, the Reaſon of the Houſe of Commons doth ſtand yet good, as to *Earles and Barons*, and it is no way fit that Biſhops ſhould have the ſame *Legiſlative power over the Honours, inheritances, perſons, and liberties of Earles and Barons*, as theſe have, or ought to have, over thoſe of Biſhops.

As for Biſhops *holding their Lands in Fee ſimple*, I can ſay little to it, becauſe my skill is very ſimple in

in *Tenures*. Only I have beene told that *Fee-ſimple*, is called in Latine *fœdum ſimplex, & idem eſt quod hæreditas legitima vel hæreditas pura*. So that to ſpeak properly, *Every man that hath a lawfull eſtate in Fee-ſimple hath it either by deſcent, or purchaſe*: neither of which wayes, for ought I know, can the Biſhop derive his Title. *Littletons Inſtit. l. 1. c. 1. §. 1. Cokus in Little. ibid. Sect. §.*

But perhaps in ſome ſenſe, wherewith I am not acquainted, the Biſhops may bee ſaid to hold in *Fee-ſimple*, as the word may be taken in a larger and leſſe proper acception: *Viz.* Becauſe he holdeth Lands in *fee* in right of his Church: but this is not properly *Fee-ſimple*, becauſe he holds them not in his owne right; and the right he hath in them, dyes with him as to his heires. But I have heard, that ordinarily, he that is ſeized of any Lands in Fee, in right of his Church, his tenure is either that which the Lawyers call *Tenure per divine ſervice*, when the Lands are given upon condition that the Donee performe *ſome divine Service certaine* expreſſed in the Gift, or the Lands to revert: or elſe, it is * **en Frank almoigne**, when Lands are freely given, without any divine ſervice certaine to be performed for them. * *Litt. Inſtitut. li. 2. cap. 6.*

And further; albeit the Biſhops are uſually ſaid to hold of the King *per Baroniam*: yet this haply may be meant rather of the *Honour* affixed to their place, which works it up to a Dignitie, than of the *Lands* pertaining to them, which they alſo hold in **Frank almoigne**, as well as the inferiour Clergy.

Hereupon it is, that in our Municipall Lawes, our Biſhops, for that they enjoy their meanes and mainte- *Sir Henry Spel. Not. in Concil. Ecclam. ſub Offa.*

maintenance by the bounty and Almes of Kings, are called *Barones Regis Eleemoſynarij*, The Kings Lords Almeſmen, or Barons of the Kings Almoigny, as the Almeſmen at WINDSOR are called *The Kings poore Knights*: and the Reaſon is rendred out of *Ranulphus de Glanvill*, (that famous Iudge in *Henry* the ſecond his time,) *quia eorum Baroniæ ſunt de Eleemoſyna Domini Regis & Anteceſſorum ejus*, Becauſe their BARONIES are of the Almes of the KING and his Anceſtors.

*De Leg. Angl. l. 7. ca. 1. in Calce.*

Which being ſo, my conceit is that (what *Reaſon* ſo ever they have on their ſide, yet) at this time eſpecially, this free and high language, (that *they holding their Lands in Fee-ſimple may with as good Reaſon Vote in the Honours, inheritance, perſons and liberties of others, as others may and doe in theirs*) might have well beene forborne without prejudice to their Cauſe. For, if *Almeſmen* bee admitted to Vote in Parliament, it will bee their wiſedome, I take it, not to bee ſo much elated as to enter into termes of compariſon with the higheſt; not excepting their Benefactors, or Founders themſelves, even in one of the higheſt points of honour and power.

2. AN-

## 2. ANSWER to the fifth REASON.

"*Many Peeres have beene created for their lives*
"*only, and the Earle of Surrey for the life of his*
"*Father, who yet voted in this House.*

### EXAMEN.

But have any (except Biſhops) beene created Peeres for life, or otherwiſe, that were not men of great eſtates and inheritance, or at leaſt of extraordinary birth and ſufficiency? Of ſuch eminency were the *Earles* of *Surrey*. But when you mention an *Earle* of *Surrey*, whom do you meane? Is it intended of the Noble Family of the *Howards* deſcended from the *Mowbrayes*? If of theſe, you will hardly finde any ſuch, that being an honour not ſo frequently communicated in former times. Indeed I I find it mentioned that *Iohn* Lord *Mowbray* (Sonne of *Iohn*, Grand-child to *Thomas* Duke of Norfolke) was, by King *Henry* the ſixth in the life time of his Father, created *Earle* of *Surrey*, and was, after his Fathers death, Duke of *Norfolke*: but that he was a *Peere of Parliament for, or in the life of his Father*, I finde not. And I have beene told by a Noble branch of that Renowned ſtemme, and now a Peere, that there was no *Earle* of *Surrey*, made a Lord of Parliament upon ſuch termes. But whether ſo or ſo, it matters not much; this being but one ſingle inſtance.

And how ever you may perhaps inſtance (when you pleaſe) in others not ſo highly deſcended, who

e had the honour to Vote as Peeres in Parliament, yet they were ſuch whoſe intereſts in the publike, and ſhare in poſterity muſt needs weigh downe any of thoſe that the Houſe of Commons deſire to have removed out of the Lords Houſe. For however, diverſe of them bee well lined with wealth, yet the Houſe of Commons are in Parliament to looke upon them, as the Lawes doe; to wit, as upon Almeſmen that are but for their owne lives: and ſurely I beleeve it will be very hard for the Anſwerer to give ſo much as any one inſtance of an Almeſman that hath beene allowed to Vote in Parliament. Not, that my purpoſe is hereby to diſparage any of that Order, in reference to their function, or preſent honours, but only to ſpeake of them as the Law it ſelfe doth, meerely and only for bolting out of the ſtrength of this branch of the *Anſwer* to the *Reaſons* of the Houſe of *Commons* againſt the continuance of the Biſhops place and Votes as Peeres in Parliament.

## 3. ANSVVER, to the fifth REASON.

"*The Knights, Citizens, and Burgeſſes, are choſen*
"*for one Parliament only, and yet uſe their Legi-*
"*ſlative power. Nor will their being elected dif-*
"*ference their Cauſe; for the Lords uſe that power*
"*in a greater eminence, who are not elected.*

## EXAMEN.

The Knights, Citizens and Burgeſſes, ſit not there as ſingle men, but as the repreſentative body of

of all the Commons of England; each of them give their Votes with reference to all thoſe from whom they are ſent. Beſides, they are by the fundamentall Lawes of the Kingdome to be there, *qua tales*, however the Election of the particular perſons bee arbitrary and contingent. And although thoſe very perſons may never (perhaps) ſerve again, yet the right and inheritance of the Commons of England (whence every member of that Houſe deriveth) never dyes, ſo long as the Kingdome lives. Therefore who ever, for the time hath the honour to bee a Member of that ſociety, Voteth in right of the Kingdome, not of a particular man.

As for the LORDS, although they neither bee *elected*, nor doe Vote for any but for themſelves and their owne poſterity, yet they have this priviledge from an higher Originall, than the Biſhops can prove themſelves to be deſcended from; namely (as wee ſaid before) not *precario* from Grace and favour, but from the fundamentall Lawes and Conſtitutions of the Kingdome. Beſides, their bloud, breeding, intereſt in the publike, and care for their poſteritie borne to ſo high places, muſt needs aſſure us more of their wiſe, carefull and zealous managing of their Votes in Parliament, than can, by any prudentiall or morall grounds, be hoped from the Prelates.

## 4. ANSWER to the fifth REASON.

*" A Burgeſſe, that hath a Freehold, but for terme " of life only, may Vote and aſſent to a Law in Parliament.*

### EXAMEN.

*Coke in Litt. Inſt. Sect. 133.*

The *Free hold* of a *Burgeſſe*, is not by the tenure of **Frank almoigne**, (of which the preſent debate is) for no Lay-man can hold any Land in that tenure. Hee is therefore in that regard ſomewhat more capable.

But however this may bee, yet that which was but a little before ſaid to the next precedent Anſwer, will ſerve here alſo. A Burgeſſe doth not Vote in the Houſe of Commons as a Free-Holder (although haply none but Free-Holders or Freemen be eligible) but as a perſon choſen by and for a Burrough which hath right to ſend Burgeſſes to Parliament; and being there, he Votes by the fundamentall Laws of the Realme. Therefore it is not materiall whether his Free-hold bee for life, or for longer time. When Biſhops ſhew the like warrant and Commiſſion, or the like fundamentall conſtitutions of the Kingdome for their Voting in Parliament; then, this *Anſwer* may be welcome to the Houſe of Commons.

5. AN-

## 5. Ans. to the fifth Reason.

*" No ſuch exception was ever heard of in the Diets " of Germany, the Corteſes of Spaine, or the three " Eſtates of France, where the Prelates Vote in all " theſe points with the Nobility and the Commons.*

### Examen.

What exception hath beene taken to Biſhops in other Kingdomes, is unknowne to me, and perhaps to the Anſwerer alſo: Unleſſe he have ſeene all the Records and Journals of all thoſe Kingdomes. Nor doe I believe that the Houſe of Commons had any Reference to other Nations, nor doe intend to bee preſidented by them. As if, becauſe Biſhops have this priviledge elſewhere, therefore this muſt bee a Reaſon ſufficient for the continuing their poſſeſſion of it here. Nay, every Nation hath its proper Lawes and Cuſtomes, and though it be no ſhame to borrow any thing that is better than our owne, for the publike Weale; yet it is no Anſwer to a Reaſon drawne from experienced inconveniency at home, to ſay that this Reaſon was never heard of in forraigne States.

But yet I thinke, if the matter were throughly examined, it will appeare that in thoſe Kingdomes, Biſhops have a kind of Soveraignty over their ſeverall Territories, and are Temporall Governours as well as ſpirituall Paſtors. And, by the fundamentall Conſtitutions of thoſe ſeveral Empires or King-

domes, thoſe Biſhops doe make one of the Eſtates of the Kingdome without which a Law cannot paſſe: Sure I am, it is ſo in Germany, and I beleeve ſo of the reſt, although with ſome difference: for they may make a third Eſtate, and yet not bee ſecular or ſoveraigne Governors over their ſeverall Ditions.

Now, all know that it is farre otherwiſe with the Biſhops of England: and therefore this plea will not be of any force to breake the ſtrength of this Reaſon of the Houſe of Commons, till the Prelates can tranſlate our Lawes and Government into that of thoſe Kingdomes from whence theſe preſidents are impertinently borrowed.

6. Reason of the Houſe of Commons.

Becauſe of Biſhops dependency and expectancy of Tranſlations to places of greater profit.

I. Answer.

*"This Argument ſuppoſeth all Kings, and all Biſhops to be very faulty, if they take the tune of their Votes in Parliament, from theſe dependencies and expectances.*

Examen.

This Argument taxeth not Kings, but medles only

only with Biſhops. It is true, Kings bring them in, and can be wiſe enough to ſerve themſelves, if they meet with men that will put themſelves to ſale for preferment. And to ſpeake plainely, the receding from the ancient way of Electing Biſhops by the Church is no ſmall occaſion and meanes to byas them, and to engage them ſtill to goe that way, which they perceive him that hath the power of electing, and of advancing them higher, to bee inclined, ſo that, if a King ſhould deſire to draw them into a wrong courſe, they ſcarce know how to deny him, nor would many of them ſticke much at it; for they being men, and ſometimes none of the beſt, are not onely ſubject to like temptations and failings that others be, but more ready and officious to ſerve turnes than many times Princes do require.

And although the Houſe of Commons doe not alwayes *take the tune of Biſhops Votes in every Parliament from theſe dependances and expectances*; yet, when they ſee how much Biſhops, that have but meane Biſhopricks, doe continually labour to obtaine greater, and to get up higher; and then compare theſe *ambitious* practices with the tunes of their Votes in moſt things which concern the more perfect Reformation of Religion and the Clergy, and the promoting of the power of Godlineſſe, *&c.* they cannot but find to their griefe that Biſhops Votes in Parliament, and their ambitious practices elſewhere, do too often conſort and come too neere a perfect harmony; and that therefore, there is little cauſe to pronounce them faultleſſe.

But wherein lyes the pith of this Anſwer, or, how takes it off the ſtrength of the Reaſon? Muſt the

the Reaſon needs be falſe becauſe it ſuppoſeth that, not which is impoſſible, but which in Civility is not fit to be ſpoken out in plaine language? The Anſwerer himſelfe doth not deny the thing to be poſſible: therefore hee doth not *Anſwer* or overthrow the *Reaſon*, but only elude it by ſtarting up a Captious ſuppoſition which he thinkes none will dare to owne. The Reaſon then is never the worſe for this evaſion. Let us try his next.

## 2. ANSWER to the ſixth REASON.

"*This may bee ſaid of all the Kings great Officers,*
"*of all the Noble Members of both Houſes, who*
"*may bee conceived, as well as Biſhops, to have*
"*their expectances, and conſequently to bee de-*
"*prived by this Reaſon of Voting in Parlia-*
"*ment.*

## EXAMEN.

Yet this anſwereth not the Argument, but only endeavours to render it odious to thoſe that were to be Iudges of it, and ſo to doe what may be to bring a prejudice upon it. It is not, I confeſſe, impoſſible that the Nobility ſhould be liable to the ſame temptation: yet it is not probable they ſhould ſo ſoone be borne downe before it. For, firſt, their Eſtates, generally are better, and ſo they have not that need to ſnatch at ſuch beggars baits.

*Laudabilis enim vena ſuam ſervat originem, & fideliter poſteris tradit quæ in ſe gloriosa tranſmiſſione præmeruit.* Caſſiodor.

Next, their bloud and Honour mounteth their minds higher and fixeth their eyes on more Noble prize, not without diſdaine to ſtoop at flyes. Laſtly, their

their large ſhare in the Publike, and the ſtrong deſire they have to lay a foundation for future glory to themſelves, and happineſſe to their poſterity, will make them ſcorne ſuch poore and baſe mercinarineſſe, unworthy of men borne to honour and ſtriving to purchaſe more by generous wayes, not by the ſale of Nobleneſſe and conſcience. *Nobiles præmium, haud prædam petant.*

### 3. Answer to the ſixth Reason.

*"This Argument reacheth not at the two Arch-"biſhops, and ſo falls ſhort of the Votes, which "are to be taken away by this Bill.*

### Examen.

If it had appeared that this particular *Reaſon* was intended againſt the Arch-Biſhops, The *Anſwer* had beene pertinent. But ſeeing the Houſe had no meaning, to reach ſo farre at every blow, but contented it ſelfe that onely ſome of the Reaſons came home to both of them alſo, that which was ſaid before in examining the laſt *Anſwer* to the fourth *Reaſon*, is abundantly ſufficient to hold up the reputation of this Argument againſt the aſperſion caſt upon it by this eluſory *Anſwer*. And yet it doth reach one of the Arch-Biſhops, by the Anſwerers good favour. An Arch Biſhop of *Yorke* would perhaps doe ſomewhat, in hope of a Tranſlation to *Canterbury*.

7. REASON of the Houſe of Commons.

THe ſeverall Biſhops have of late much encroached upon the Conſciences and properties of the Subject. And they and their ſucceſſors will bee much encouraged ſtill to encroach, and the Subject will be much diſcouraged from complaining againſt ſuch encroachments, if twentie ſixe of that Order bee to bee Iudges upon theſe complaints. The ſame Reaſon extends to their Legiſlative power, in any Bill to paſſe for the reformation of their power upon any emergent inconvenience by it.

ANSVVER.

"*This Argument fights not againſt Biſhops Votes in*
"*Parliament, but againſt their Votes in Convo-*
"*cation, where (if any where) they have encroa-*
"*ched upon the Conſciences and properties of the*
"*Subject: Nor yet at the Vote of ſuch Biſhops*
"*there, as are not guilty of this offence. Nor need*
"*the ſubject to bee diſcouraged in complaining a-*
"*gainſt the like grievances, though 26. of that*
"*Order continue Iudges. For they ſhall not Vote*
"*as Iudges when they are legally charged. And if*
"*they ſhould Vote, what were that to the purpoſe*
"*when the Lay Peeres are ſtill foure to one? The*

*Biſhops*

" *Biſhops (aſsiſted with a double number of Mi-*
" *tred Abbots and Priors) could not hinder the*
" *Lawes made againſt the Court of Rome, the*
" *Alien Cardinals and Prelates, the Proviſors, the*
" *Suitors to the Popes Conſiſtories under* Edw. 3.
" Rich. 2. *and* Hen. 4. *Much more may thoſe*
" *emergent exorbitances of the Eccleſiaſticall Iu-*
" *riſdiction bee ſoone curbed and redreſſed in this*
" *inequalitie of Votes betweene the Temporall and*
" *Spirituall Lords. So as this Argument doth not*
" *ſo much hurt the Votes, as it quells the courage*
" *of the Biſhops, who may juſtly feare by this and*
" *the next Argument, that the taking away of their*
" *Votes is but a kind of forerunner to the aboliſh-*
" *ing of their juriſdiction.*

## EXAMEN.

I know not the Reaſon, but ſo it is, that the Anſwerer hath here thruſt together all hee had to ſay, into one *Anſwer*; although the particulars whereof it conſiſteth bee many, and of various kindes: whereas before he was pleaſed to branch out one *Anſwer* into many, when yet moſt of the branches were coincident. Not troubling my ſelfe to finde out the Myſtery, I ſhall make bold a little to change my Method alſo to follow him, or rather to diſtribute his Anſwers for him, and then to take a diſtinct view of the ſeverall limbes thereof a part.

## ANSWER.

" *This Argument fights not againſt Biſhops Votes in*

" *ment, but againſt their Votes in Convocation,*
" *where (if any where) they have encroached upon*
" *the conſciences and liberties of the Subjects.*

## EXAMEN.

If *this Argument fights not againſt Biſhops Votes in Parliament*, why then is it ſaid, in the end of this Anſwer, that *Biſhops may juſtly feare, by this and the next Argument that the taking away of their votes is but a kind of forerunner to the aboliſhing of their Iuriſdiction?* For, what *Votes* are here meant, but thoſe in Parliament? and what need any feare of that here, when it is confeſſed, that *this Argument fights not againſt* Votes *in Parliament?*

But, I paſſe this, becauſe contradictions in ſuch a cauſe, and in an *Anſwer* of ſo much length, dropping out of ſome mens pennes, need be no matter of any admiration, or of much ſtay upon it.

But what will it availe the Biſhops that this Argument meets not with them in the Parliament Houſe, ſo long as by his owne confeſſion (although a modeſt [ *if* ] would a little modifie it) it findes them out ſo palpably in *Convocation.* There, indeed, their guilt is of a double dye, for which they are now (upon examination and reſolution of both Houſes of Parliament) condemned as having voted and determined *many matters contrary to the Kings Prerogative, to the fundamentall Lawes and Statutes of the Realme, to the right of Parliaments, to the propertie and libertie of the Subjects, and matters tending to ſedition and of dangerous conſequence*; And as for *encroaching upon* and invading *the conſcience*, let that abſurd,

Ex Archi. Parl.

abſurd, amphibolous, injurious, execrable Oath enjoyned in the ſixth *Canon* of their late Holy Synode ſtand for a monument, to the eternall infamie of the Compoſers of it, and factors, in it.

Now, the Biſhops do or ought * to know that if a Iudge be once taken tardy and guiltie of corruption and wicked judgement, hee is for ever preſumed to bee corrupt, and therefore unmeet to bee truſted in another Court any more. * *Nulli ſacerdoti licet Canones ignorare dist. 38 cap. Nulli.*

For, it is in Maxime both in the Civill, and Canon Lawes, which holds in all Lawes, *Semel malus ſemper præſumitur eſſe malus.* And this preſumption is not onely *præſumptio hominis*, or *præſumptio facti*, but *præſumptio juris* too, *quia jus ſic præſumit ex facto*, ſaith the Gloſſe upon that rule. So that, if *Biſhops have thus encroached upon th: conſciences and properties of the Subject*, in Convocation, as tis now declared they have, they are unmeet and unworthy to bee truſted any more with Votes in Parliament, where they may doe as much again, or more, if opportunity bee offered: and therefore this Reaſon of the Houſe of Commons is invincible. *Reg. juris. 8.*

But have they not done as much in Parliament alſo? What meant the Statute of 2. *H.* 4. 15. againſt the Lollards procured by *Thomas Arondel* Arch-Biſhop of *Canterbury*, and the reſt of the Prelates againſt diverſe of the Nobilitie; for, they are not at all mentioned in that Act? What meant their ſtruggling for the ſixe Articles in 31. *H.* 8. 14. firſt concluded in their Holy Synod in ſpite of *CRANMERS* teeth? What meant their Conſpiracy to pull downe Religion in 1. *Mar.* after it had

had happily in great part beene reformed in King *Edward* the ſixth his time? What need we any further proofe? *Habemus confitentem*, this Anſwerer himſelfe hath confeſſed as much in the cloſe of his *Anſwer* to the next *Reaſon* following, where he roundly acknowledgeth *the oppoſition of all the Biſhops to the Reformation of Religion* in 1. *Eliz.* But I muſt on to the reſt of the *Anſwer*.

## ANSWER.

"*Nor yet at the Votes of ſuch Biſhops there, as* "*are not guilty of that offence.* That is, of paſſing ſuch Canons in Convocation.

## EXAMEN.

This Exception may ſave the Credits of thoſe men who were preſent, and proteſted legally againſt ſuch illegall and wicked proceedings; ſo as, they may have peace within, and without too, if after by poſt-fact they contracted not the guilt of Acceſſories, by adminiſtring thoſe Canons: But yet, in the account of Law, and in the eſtimate of Law-makers, before whom ſuch lewd Canons bee arraigned, the Biſhops doe know that it is another Maxime and Rule in Law, *Refertur ad univerſos quod publice fit per majorem partem*, That is juſtly imputed to all that was publikely done by the Major part. If they who diſſented not, did not proteſt, in due forme of Law, or abſented themſelves becauſe they diſliked the buſineſſe, but had

had not the courage and fidelity to oppoſe it as became their duty; they are juſtly involved within the number of the guilty, at leaſt ſo far, as to be held unworthy to be any further truſted to Vote either in that place, or in an higher much more, becauſe through negligence, incogitancy, cowardiſe, and the like, they did not their utmoſt to helpe the Lord againſt the mighty, and to oppoſe thoſe wicked Canons with all their might. I paſſe on to the next branch of the Anſwer.

## Answer.

"*Nor need the Subject to be diſcouraged in complai-*
"*ing againſt the like grievances, though twentie*
"*ſixe of that Order continue Iudges. For they*
"*ſhall not Vote as Iudges in their own Cauſe, when*
"*they are legally charged.*

## Examen.

What encouragement ſhall one, or ſome few private ſubjects hope to finde, when the whole Houſe of Commons, by the labouring of ſome Prelates (leſſe in number than twenty ſixe,) cannot get paſſage for a neceſſary Bill grounded upon ſo many ſolid and weighty *Reaſons*, againſt the Votes of Biſhops in Parliament? And who can be aſſured that hereafter *they ſhall not vote as Iudges in their owne Cauſe*, when even now *de facto*, they have already done it?

Perhaps there is a ſecret in that clauſe [*When they are legally charged*] which I cannot diſcover. But

But ſurely, I thinke the meaning of it to be, that the Bill came not home to a *legall charge* that might exclude them from voteing in it, becauſe the Houſe of Commons would needs be ſo civill towards the preſent Biſhops, as not to name them in the Bill; whereby, not their perſons, but their Order onely was charged. And if this were the error upon which the firſt Bill miſcarried, the Houſe of Commons are wiſe enough to make uſe of this cloſe wipe of the *Anſwerer*, and to finde out a way to avoyd the like fault in the next. The Anſwerer goes on.

ANSVVER.

"*And if they ſhould vote, what were that to the* "*purpoſe, when the Lay-Peeres are ſtill foure to* "*one?*

EXAMEN.

If the Lay-Peeres (as he termeth them) were tenne to one, yet if but a few of thoſe twentie ſixe Biſhops have a mind to be active (which, in their own cauſe, is not unlikely) they know wayes enough how to draw over to their party Noble and ingenuous natures apt to be more taken with reverence of their function and gravity, than willing to ſuſpect their ends or to diſpute their grounds, how often ſo ever themſelves or their Anceſtors have beene circumvented and miſguided by them.

But he will give you inſtances to the contrary, which may put all out of feare.

2. AN-

## ANSVVER.

" *The Biſhops (aſsiſted with a double number of*
" *Mitred Abbots and Priors) could not hinder*
" *the Lawes made gainſt the Court of Rome, the*
" *Alien Cardinals, and Prelates, the Prouſors, the*
" *Suitors to the Popes Conſiſtery under* Edw. 3.
" Ric. 2. *and* Hen. 4. *much more may thoſe e-*
" *mergent exorbitancies of the Eccleſiaſticall Iu-*
" *riſdiction be ſoon curbed & redreſſed in this in-*
" *equality of voices betweene the Temporall and*
" *Spirituall Lords.*

## EXAMEN.

*The Biſhops (ſo aſsiſted) could not hinder?* Nay rather they could not hinder the Lawes made againſt the Pope, & Strangers. For, the more the Pope encroached, the more our Biſhops ſmarted under thoſe Vſurpations, and groaned under the many & continuall heavy taxes whereby all the Clergy of England were impoveriſhed in their Eſtates, and the *Biſhops* much curbed in their Iuriſdictions. He ſhould ſhew himſelfe an egregious Ignaro to the Stories of thoſe times, that ſhould require Inſtances hereof, there being ſo many, much elder than *Edward* the third: *Matthew Paris* and ſundry other Hiſtorians abound herein. Therefore I will content my ſelfe with only one inſtance in the reigne of *Hen* 3.

Inhis time the exactions & pollings of the Clergy and Kingdome were found to be yearly 60000 Markes, *Anſlq Britan. ex Mat. Pariſi in Bonifac.*

Markes, which, at that time, exceeded the Kings owne Revenues. No benefice, or dignity belonging to the Nobility, Clergy, or Gentry, not many pertaining to the King himselfe could bee void, but the Popes *Provisors* were ready to seize on it instantly for some of his Creatures, Italians and other forraigners. The Bishops fretted, but durst not complaine. When the King saw their timorousnes, and the whole Kingdome heightned up to such a degre of discontent, that they threatned to cast off their obedience to the King, if he tooke not order to ease them; a Parliament was called; the King, the Nobility, Prelates, Commons, all complained of the unsupportablenesse of the burden; drew up their greivances into seaven severall Articles; foure letters were conceived and sent with these greivances to the Pope; one from the Bishops, a second from the Abbots, a third from the Nobility and Commons, and the fourth from the King himselfe; but, to little purpose. The Pope still went on, although sometimes more favourably, and other times more violently, as the times would suffer.

The letters & Articles are set downe at large in *Math. Paris. in Hen.* 3. pag 927. *Eccles. Lond. Anno.* 1571.

No marvell then, if Bishops and Abbots in Parliament were so willing to be over-borne by the votes of the temporall Lords in passing the Statute of Provisors of benefices, in 25. *Edw.*3. *and against suitors to the Popes Consistory, and receiving of Citations from Rome in* 38. Ed. 3 *And against the farming of any Benefices enjoyed by Aliens* by the Popes Collation, *or conveing of mony to them.* 3. Ric. 2, 3. And against *Going out of the Realme to procure a Benefice in this Realme* in 12, Ric. 2. 15. And for confirmation of the Statute *de provisoribus* among the Statutes called

called *Other Statutes made at Westminster. in* 13. *Ric.* 2. ca. 2. The like may be ſaid of the Statute of *Proviſion* in 2. *Hen*, 4. 4 *of firſt fruites to Rome more than uſuall.* 6 *H.* 4. 1 *Of moneys carryed to Rome*, and confirmation of all Statutes *againſt Proviſors &c.* 9. Hen. 4 8. To ſay nothing of that famous Statute in 26. Hen. 8. 21. which gave the Pope a deeper wound than all the Acts that had been before.

Now, alas poore Biſhops that they were ſo over-voted that they could not hinder ſuch Lawes as thoſe, made in their favour, and for the reſcuing of them from the Italian horſe-leeches! No doubt the Biſhops laboured ſtoutly to withſtand theſe Acts: and therefore no marvaile that they be ſo carefully inſtanced in, or pointed unto by the Anſweier, to ſhew how eaſily Biſhops maybee over-voted in Parliament and how ſoon emergent exorbitancies of their Iuriſdiction may be there curbed & redreſſed. Or rather indeed to ſhew how unable Biſhops bee to withſtand the paſſing of a bill which they deſire with all their hearts may bee enacted, or which they know the King wil have to be enacted. But otherwiſe, I cannot underſtand his reaſon in vouching of them: unleſſe he meant to make his Readers ſome mirth. See now how hee winds up this long Anſwere.

## ANSVVER.

"*So as this Argument doth not ſo much hurt the*
"*votes, as it quells the courage of the Biſhops, who*
"*may juſtly feare, by this and the next Argument*
"*that the taking away of their Votes is but a kind*

" of fore-runner to the diſſolving of their Iuriſ-
" diction.

## EXAMEN.

Indeed, if we take the ſcantling of the *hurt* done to their *Votes*, by the inſtances produced in this *Anſwer*, the hurt is ſo little, that the adventure will not bee great, if they meet with other Bills in Parliament of like nature, wherin the Temporall Lords ſhall happen to over-vote them. In thoſe Statutes before mentioned, I doe not finde the Clergy ſo much as named. It is probable, they durſt not appeare for thoſe Acts, for feare of the Pope; but rather ſuffered them to paſſe, by the Temporall votes, that they might the better excuſe it at Rome, and enjoy the benefit with more ſecurity at home, when the Temporalty alone were ſo ready to doe it to their hands.

Iuſt ſo it was in *Henry* the thirds time, when the Pope had compelled the Biſhops to ratifie all the Grants of payments to Rome made by *K. Iohn*, whereby the Biſhops were ſo caſt betweene the mil-ſtones, as to be ready to be ground to powder, yet durſt not appeare againſt their oppreſſor, they (Good men) were forced by the King and Parliament much againſt their wills (*Si placet*) to be reſcued out of his hands without any labour of their owne; when, firſt the King profeſſed *ſe contra infirmos illos et timidos Epiſcopos pro Regni libertate ſtaturum, nec cenſum deinceps ullum Romanæ curiæ præſtiturum*. And afterward, when the whole Parliament ordered the Biſhops and Abbots to write to

*Antiq. Britan. in Bonif.*

his

his Holineſſe that which with all their hearts they would, if they durſt, have done of themſelves, for obtaining eaſe of the burthens that lay upon them, as hath been touched before.

So that now, this Argument doth little *quell their courage*, if they meet with no greater diſcouragements than by the anſwerer hath been ſet forth. Rather the *Anſwere* teacheth them the way how to prevaile by being overcome, and to bring about their owne ends and yet ſit ſtill, or ſeeme to be the greateſt oppoſers of that which in ſecret they moſt deſire, and underhand doe moſt labour for.

But truly, it is to me no leſſe than a riddle, that there ſhould be any juſt cauſe of feare (unleſſe unto them who are apt to *feare wher no feare is*) that there is any thing in this Argument tending to the *Aboliſhing of Epiſcopal Iuriſdiction*; when the Reaſon expreſly ſuppoſeth no more, but a *Bill to paſſe for the Regulation of their power upon any emergent inconvenience by it*. Verily there is more cauſe of feare on the other ſide, that if the mention of a bill for *regulating* the power of Biſhops ſhall be interpreted a plot to ruine their luriſdiction, which now is ſo exorbitant, their Caſe comes very neere to that of old Rome, which (as *Livy* obſerves) could noe longer ſtand under the vices committed in it, nor endure the remedies applied to it. *Liv. Hiſt Dec. 1.*

8. REASON of the Houſe of Commons.

Becauſe the whole number of them is intereſſed to maintaine the juriſdiction of Biſhops; which hath beene found ſo

greivous to the three Kingdomes, that Scotland hath utterly abolished it, & multitudes in England and Ireland have petitioned against it.

## Answer.

"*This Argument is not against the Votes of Bish.*
"*ops, but against Episcopacy it selfe, which must*
"*bee removed, because Scotland hath done so, and*
"*some in England and Ireland would have it so;*
"*And yet peradventure ten times as great a*
"*somme as these desire the contrary.*

Against this a 2 fold *Answer* is offered.

## Examen.

This *Argument* is expressly *against their votes for maintaining their Iurisdiction*, (to which by their Order they are all bound, as all other societies bee, to maintaine their Priviledges;) and it is not bent *against Episcopacy it selfe*. And yet this suggestion is a witty invention, both to winde out of the strength of this *Reason*, and to cast a blurre upon it at the farewell.

The House of Commons could not but see even an impossibility of reforming by bill the excesses and intolerable exorbitancies of the present tyranny of many *Bishops* (who dishonestly cal it by the honest name of *Iurisdiction*,) so long as the *Bishops* be suffered to vote in Parliament. For the *Bishops* bee themselves the greatest Offenders therein, either acting in it, or else (as *Galba*) wittingly permitting those to usurpe whom they ought to bridle,

bridle, or willingly ignorant of what they ought to know. Therefore it was desired that their Votes in Parliament might be taken away, to make passage for another *Bill* that might *regulate their Iurisdiction*, as in the former *Reason* was plainely intimated. *But the Answerer* was willing to slide over that which was the life of the present *Reason*, (*viz.* the engagement of *Bishops* to *maintaine their iurisdiction*, *id est*, as now it standeth) and *Lapwing* like to carry his Readers from the nest, to gaze upon the destruction of Episcopacy it selfe, which on my conscience was not then intended by the House of Commons, had that first *Bill* been quietly yeelded by the *Bishops* in the House of Peeres.

Nor did the House of Commons, I presume, by the instance of Scotland, and of those in England and Ireland intend, in this *Reason*, a purpose of Abolition of the Calling, but onely made use of it as an Argument *a majore ad minus*: to this effect: That, if *the Iurisdiction of Bishops* (as now they terme it) be found so grievous, that, in Scotland they would endure Episcopacy it selfe no longer; and, many in England, and Ireland have petitioned for the abolishing of it in these other Kingdomes; it cannot be thought unreasonable and immodest for the House of Commons to passe a *Bill* for a lesser matter, to wit, for taking away the *Votes* of *Bishops* in Parliament; without which there is little or no hope that the *Bishops* will ever suffer an other *Bill* to bee enacted for the thorough Reformation and regulating of their Iurisdiction, so as to give ease of the many Greivances that still ly upon the subjects of both Kingdomes of England, and Ireland, and to satisfie.

tisfie the Petitioners with Reason worthy of such a Parliament, at such a time of generall discontent, cheifly caused by the usurpations of sundry Bishops and of their domineering party.

What is in the *Answer* (with shew of modesty) said, that *peradventure ten times as many desire* the continuance of Episcopacy, as there be Petitioners against it, It might peradventure be so, before the *Bishops* procured that first bill grounded upon these Reasons, to be rejected above; and before the world was made acquainted with that *Abstract of the Answers* given to them. But I dare say, that now, without all *peradventure*, (if we may judge of mens desires by their expressions) there is, scarce one of ten, who before were for *Episcopacy* reformed, but are now against it: the reason is, because they see there is no hope, that ever the *Bishops* will cheerfully yeeld to a perfect Reformation of themselves and their Order, and that if hereafter the Prelates should happen (against their will) to bee over ruled in it, such a forced Reformation will never doe good, nor secure the Kingdome against the Evills too long sustained under them, if the Calling it selfe be continued.

And verily, no one thing hath more alienated & exasperated the hearts of all sorts, than the apprehended insufficiencies of these printed *Answers* to the *Reasons* of the House of Commons. So that, if *Episcopacy* happen to miscarry, I am perswaded, the *Bishops* will find Cause to ascribe the opening of so speedy a way to their destruction, not to any thing so much as to the unhappy *Answers* given to these *Reasons* of the House of Commons; if those

*Answeres*

*Answers* offered to the House of Lords were no other, or better than they are presented to publike view in that more unhappy Abstract most unhappily printed.

2. ANSWER to the eighth REASON.

"*There will be found Peeres enough in the Vpper House*
"*to reforme any thing amisse in the Ecclesiasticall*
"*Iurisdiction, although the 26. Prelates should bee*
"*so wicked as to oppose it: As there were found*
"*Peeres enough in that Noble House to curb the Court*
"*of* Rome, *and the Revenues of the Cardinals un-*
"*der* Edw. 3. *To meet with the Provisors under*
"Rich. 2. *To put all the Clergie into a* Premu-
"nire *under* Hen. 8. *And to reforme the Religion*
"1 Eliz. *notwithstanding the opposition of all the*
"*Bishops.*

EXAMEN.

Mark here his *Plea in Barre* against the Bill, There were Peeres enough *to curb the Court of Rome*, in *Edw.*3. and *Rich.* 2. when none were more glad of the curbing of that Court, than our Bishops themselves. *Ergo* there will ever be found Peeres enough to reforme the Bishops jurisdiction. I will not say of this putting our *Ecclesiasticall Iurisdiction* and the *Court of Rome* so neere together, *Pares cum paribus facillime congregantur*. But it will perhaps make sport to some to finde them in this *Abstract* so close one by another: yet can it not secure wise men, that because the Peeres curbed the Pope, *Ergo* there will ever be enough to curb our Bishops; unlesse the Bi-

ſhops will yeeld themſelves to hold of the Pope, or to be of the ſame ſtamp, and reſolve to riſe and fall with him.

As for thoſe Cole-worts in *Edw.* 3. and *Rich.* 2. now a ſecond time heated, I referre the Reader who deſires a freſh taſte of them, to the *Examination* of the former *Anſwer*. In the caſe of *Premunire*, in *Hen.* 8. who knowes not that (if any ſuch had paſſed in Parliament) the Clergie were not ſo much overborn by the Nobility, as overawed by that ſtern and ſtout King, with whom the proudeſt Prelate durſt not to conteſt? But when wil it be proved that this paſſed in Parliament? Surely *Holinſhed* & others tell me that the Biſhops were called into the Kings Bench about it, but before their day of appearance, there was a *Convocation*, wherein it was concluded that the Clergie of the Province of *Canterbury* ſhould offer 100000. pound for compoſition, w^ch^ was accepted, and a pardon promiſed to paſſe in Parliament to free them of the *Premunire*. So in 7. *Hen.* 8. the Convocation incurred a *Premunire* for citing one *Standiſh* to appeare before the Convocation, when they had not juriſdiction: which yet was compounded and no Act of Parliament paſſed on it: Nor needed there an Act for it, for the Biſhops themſelves confeſſed the thing and ſo it could not come to a conteſt in the Parliament. This is all that I know of this matter. And if the caſe be thus this inſtance is not to the purpoſe. But the laſt is of all other the moſt impertinent, and ſcandalous.

Impertinent, becauſe all the world knowes that the Reformation of Religion was the deſigne

of

of the Queene whom the Prelates might not croſſe; ſuch as did thwart were duely rewarded for their paines, as hath beene formerly touched. Therefore untill it can bee found that the Biſhops were over Voted in a Cauſe wherein the PRINCE went with them, or expected their aſſiſtance, to Vote for him, the force of the Reaſon is not abated.

Next, what a ſcandall to Biſhops is it, that even ſince the Reformation begun in *Edward* the ſixth his time, the Biſhops, all the Biſhops ſhould oppoſe the reſtauration thereof in the beginning of Queene *ELIZABETH*, after an interruption of ſcarce five yeares and an halfe! Surely, if Biſhops can ſo farre degenerate in ſo ſhort a time, they are hardly to bee truſted with Voting in Parliament for any long continuance, eſpecially in an age of ſuch a poſtatiſing of the moſt, and warping of the beſt.

IX. REASON of the Houſe of Commons.

BEcauſe Biſhops being Lords of Parliament, it ſetteth too great a diſtance betweene them and the reſt of their Brethren in the Miniſtery, which occaſioneth pride in them, diſcontent in others, and diſquiet in the Church.

ANSVVER.

"*This is an Argument from Morall Philoſophy,*
"*which affords no Demonſtrations. All are*

 "*not*

*" not proud that Vote in Parliament, nor dis-*
*" consented which are not so imployed. This*
*" Argument fights onely against their Title*
*" of being LORDS, which is not the Que-*
*" stion at this time. And were those Bre-*
*" thren so wise and well affected as they might*
*" be, they would rejoyce rather that some of their*
*" owne profession are advanced to those places*
*" wherein they may bee capable, upon all occa-*
*" ons, of doing good offices to them, and to the*
*" whole Church.*

## EXAMEN.

The first note is but a peece of mirth, which is but little *Demonstration* of any great *Morality*, in a Cause so serious. *If all bee not proud that vote in Parliament*, they have the more cause to be thankfull to God that keepes them humble in so great a temptation. Yet, usually, all be not humble who say they are not proud. Proud men of all others will be least knowne of Pride. The *Reason* doth not say, that all are proud who Vote, but only that such high dignity (not meet for them) occasioneth pride, and I hope it will not bee denyed by a Bishop to be a rule of *Divinity* as well as of *Morall Philosophy*, that apparent and experienced occasions of sinne must bee avoyded as well as the sinne it selfe.

Besides, this *Answerer* takes no notice of the maine basis of the Argument, which is, that *this setteth too great a distance betweene the Bishops and the rest of their Brethren.* And to say truth, there

was

was no great Reason why hee should, considering the Principles of Prelates, which will never suffer them to subscribe to the truth of such a Proposition. They never thinke the *distance to be too great*, betweene themselves, and the inferiour Clergie. And the neerer to parity, the neerer to Heresie. Yet, because this is an opinion not very fit to bee spoken out, it was good policy to passe over this branch in silence: and, it were superfluous, to labour in the asserting of that which the *Answer* doth not gain-say.

And though, *all bee not discontented, that are not so employed*: for some of them are Chaplaines, Dependants, Expectors, Pretenders to the like places, and so cannot but rejoyce to see them on Cock-Horse, who will, they hope, one day give them the hand to lift them up behind them. Yet there bee many moe who have more cause of just *discontent* at the infinite elation, intolerable pride, and boundlesse passions of some of the Bishops, who looking up to their owne Lordly Titles, doe take it for a part of their honour to looke downe upon their poore brethren with so much supercilioussesse, as if they were not brethren but servants, yea slaves, *ad servitutem natos*, as Hee said of his subiugated fellow Senators of Rome. Tiberius, Tacit.

Before this Lording in Parliament came up, the old Rule among Bishops was, *Episcopus in quolibet loco sedens, stare Presbyterum non patiatur*. But that Canon is now 1240. yeares old, and so may well be forgotten. Now, it is well if he may after long attendance bee admitted into the presence of a Bishop, where he must stand bare headed, while the Con. Carthag 4. ca. 34.

Biſhop ſits, or perhaps lyes along in State. And whereas before, they were not aſhamed to call and honour them as *Brethren*, now they have other names for them, *Dunce, Aſſe, Foole, Iack, Rogue, Scotiſh ſpirited raſcall*, any thing that a tongue ſet on fire of Hell can belch out.

Lo here the goodly fruit of Epiſcopacie advanced to the heigth of Peerage in Parliament! and wel were it for many of them and their poore Clergie, if this were the worſt and greateſt cauſe of griefe and diſcontent adminiſtred by the Biſhops to many grave, Godly, painefull, peaceable Miniſters, whoſe heavie burdens are preſented in multitudes of Petitions to the preſent Parliament, and therefore I forbeare to relate them.

But where it is ſaid that *this Argument* of the Houſe of Commons *fights only againſt their Title of Lords*: the *Anſwer* miſreports it: For it marcheth (not fighteth) againſt them as *Lords of Parliament*: now, if to be a Lord in Parliament, and to Vote as Peeres there be not the ſame thing, the Anſwer is worthy of Conſideration: otherwiſe, it can expect no entertainment, but neglect. The Houſe of Commons did purpoſely uſe this phraſe here, becauſe the very *Reaſon* it ſelfe is grounded, partly upon the Title, yet ſo, as that they conſider a Biſhop as a Peere admitted to Vote in Parliament. Theſe two are convertible and equipollent expreſſions; He is a Lord of Parliament, *Ergo*, he Votes. He Votes in Parliament, *Ergo*, a Lord of Parliament. And this Lordſhip in Parliament is that which lifts him up ſo high above his brethren, as makes him to be, and they to fare the worſe all dayes of his life.

Where-

Wherefore, to conclude all; ſuch is my folly that I know not what *wiſedome, or good affection* it were, for *thoſe Brethren to rejoyce* much, to ſee any *of their owne Profeſsion* to bee expoſed to ſo great temptations, by being advanced to that place, which is ſo farre from rendring them *capable* or apt to *doe good offices* to either Church or State, as that it makes them more unapt unto, and uncapable of doing any good at all, either in Parliament, Pulpit, or Conſiſtory. For it puts them out of their Calling, unapts them for the proper worke of it, and is, not ſeldome, ſecretly followed, by the juſt judgment of GOD, with a ſpirit of coldneſſe and benumdneſſe of thoſe excellent parts wherewith many of them before abounded, with a ſpirit of giddineſſe in point of judgment, with a ſpirit of contempt of thoſe Ordinances which formerly they prized, in point of affection, with a ſpirit of pride over their brethren in point of behaviour, with a ſpirit of perſecution of the power of godlineſſe in point of juriſdiction, and with a ſpirit of oppoſition to the perfect *Reformation* of this *whole Church*, in point of Legiſlative power in Parliament.

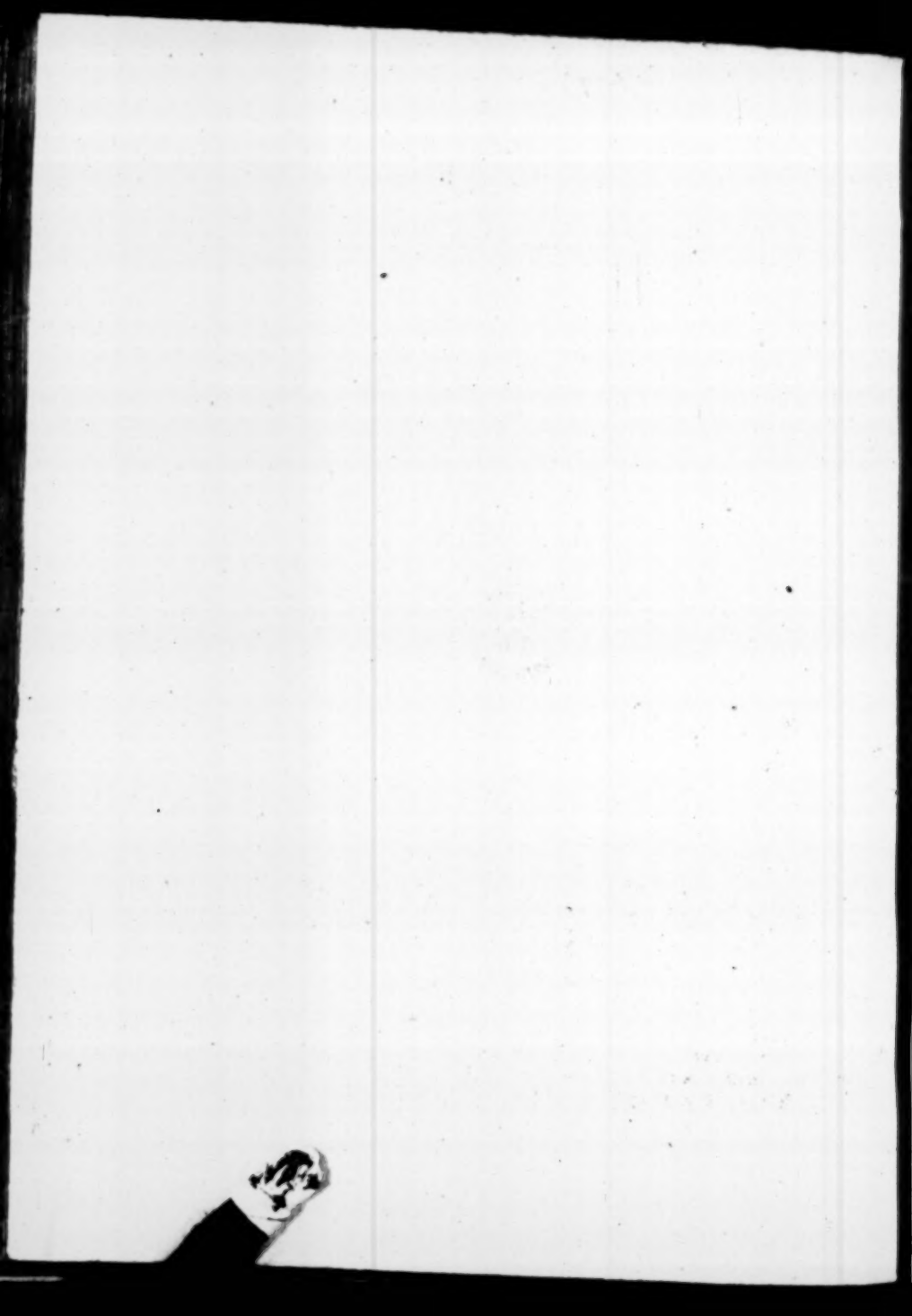
See the cloſe of laſt precedent *Anſwer.*

*ERGO,*

Biſhops ought not to Vote in Parliament.

*FINIS.*

Pag. 2. *l.* 28. after *acceptat*, there ſhould be a ſhort line, thus;—— as implying ſome words omitted which in the Author be interpoſed *p.* 4. *l.* 7 *r. indicare*, *p.* 26. *l.* 5. *r. avocation*, *p.* 34. *l. ult. r.* 18. *ibid.* in Mar. dele 1317. & *r. M.* 19. *p.* 63. *l.* 14. *r.* could, *p.* 75. *l.* 25. *r. nati.*



15

A

# COPPY OF

1. The letter ſent by the Queenes Majeſtie concerning the collection of the Recuſants Mony for the Scottiſh Warre, *Apr.* 17. 1639.

2. The Letter ſent by Sir *Kenelme Digby* and Mr. *Mountague* concerning the Contribution.

3. The Letter ſent by thoſe aſſembled in *London*, to every ſhire.

4. The names of the Collectors in each County in *England* and *Wales*.

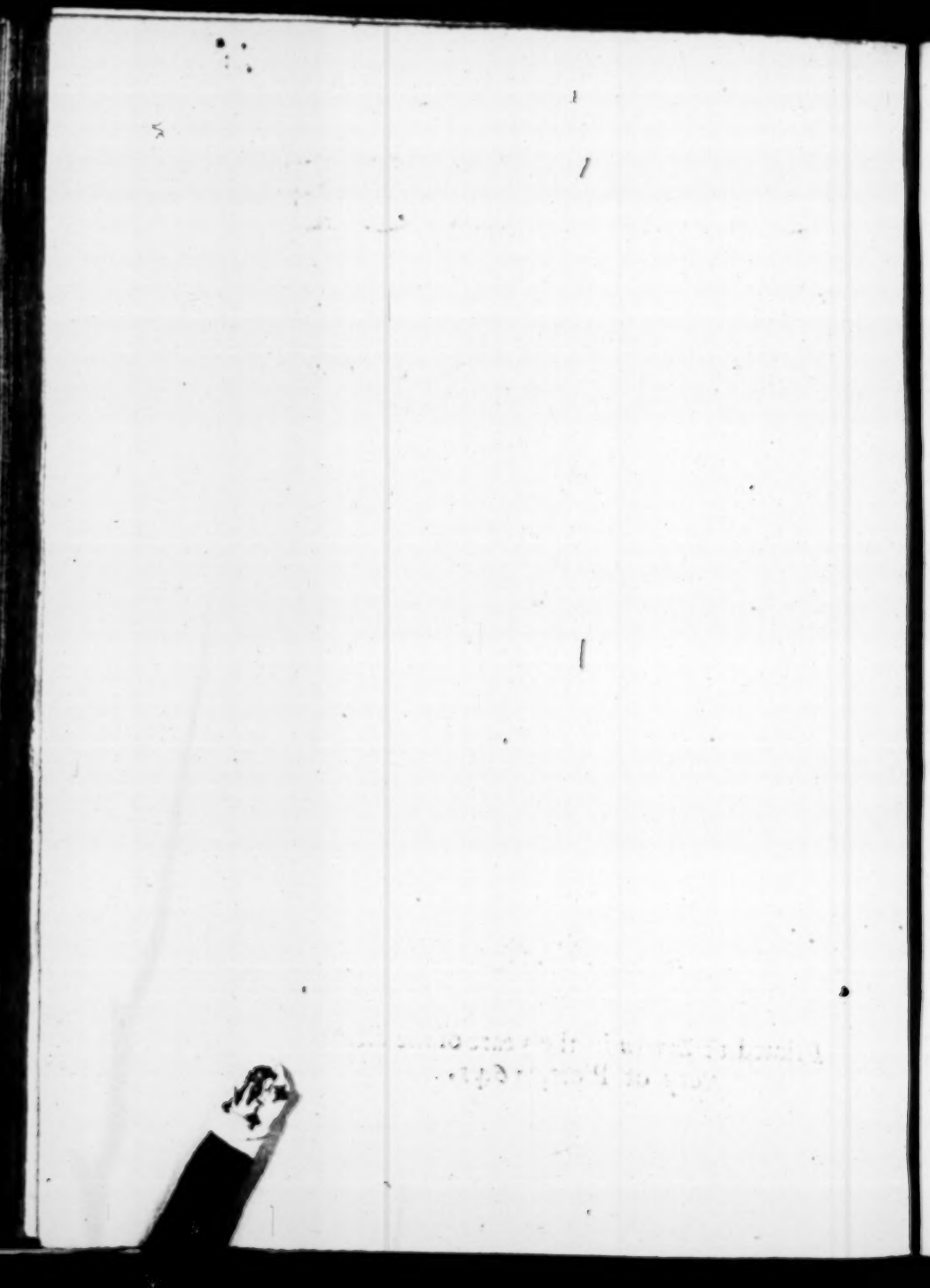
AND

5. The Meſſage ſent from the Queenes Majeſtie to the houſe of Commons by Maſter Comptroller the 5. of *Febr.* 1639.

16

---

Printed at *London* in the yeare of the diſcovery of Plots, 1641.



*Henrette Marie. R.*

WEe have ſo good a beliefe of the loyaltie and affection of his Majeſties Catholique Subjects, as we doubt not but upon this occaſion, that hath called his Majeſty into the Northerne parts for the defence of his Honour and dominions, they will expreſſe themſelves ſo affected as we have alwayes repreſented them to his Majeſty; So in this common conſent, which hath appeared in the Nobilitie, Iudges, Gentry and others, to forward his Majeſties ſervice by their perſons and ſtates, we have made no difficulty to anſwer for the ſame correſpondency in his Catholique Subjects, as Catholiques: Notwithſtanding they all have already concurred to this his Majeſties ſervice, according to the qualities whereof they are, when others of the ſame quality were called upon. For wee beleeve that it became us, who have beene ſo often intereſted in the ſollicitation of their benefits, to ſhew our ſelves now in the perſwaſion of their gratitudes. Therefore having already by his Majeſty by other meanes recommended to them this earneſt deſire of ours to aſſiſt and ſerve his Majeſty, by ſome conſiderable ſumme of money, freely and cheerefully preſented: Wee

have thought fit (to the end that this our deſire, may be the more publique and the more authorized) hereby to give you Commiſſion and direction to diſtribute Coppies under your hand of this teſtification thereof, unto thoſe that have met in *London* by our direction, about this buſineſſe: And unto the ſeverall Collectors of every County. And as wee preſume the ſumme they will raiſe will not be unworthy our preſenting to the King; ſo ſhall we be very ſenſible of it, as a particuler reſpect to our ſelves, and will indeavour in the moſt efficatious manner wee can to improve the merit of it, and to remove any apprehenſion of prejudice, that any (who ſhall imploy themſelves towards the ſucceſſe of this buſineſſe) may conceive; by this they may be aſſured that wee will ſecure them from all ſuch objected inconveniences: And we are very confident that this our firſt recommendation will be ſo complyed with all, as may not onely afford us particular ſatisfaction, but alſo, facilitation towards their owne advantages.

*Given under our Signet at White-Hall this* 17. *of Aprill*, 1639.

Sir

## Sir Kenelme *Digby* and Mr. *Mountagues* Letter concerning the contribution.

IT is ſufficient already knowne to every one, the extraordinary Graces and Protections we owe the Queenes Majeſtie, to whoſe favourable interceſſion wee muſt aſcribe the happy moderation we live under; So as we doubt not, but an occaſion of the expreſſion of our gratitudes will joyfully bee imbraced by every Body, which the preſent eſtate of his Majeſties affayres, doth now offer us. We have already by our former letters indeavored to prepare you to a cheerefull aſſiſtance of his Majeſtie in his declared journey to the Northerne parts, for the ſecuring of his Kingdome, and ſuch other purpoſes as his Royall wiſedome ſhall reſolve of: That ſo you may really demonſtrate your ſelves as good Subjects, as God and nature requires of you. Now her Majeſtie hath beene gratiouſly pleaſed to recommend unto us the expreſſions of our duties, and zeale to his Majeſties ſervice, by ſome conſiderable gift from the Catholiques. And to remove all ſcruples (that even well affected perſons may meete with) ſhe undertakes to ſecure us, and all that ſhall imploy themſelves in this buſineſſe, from any inconvenience, that may bee ſuſpected by their or our forwardneſſe and declaration in this kind. It will eaſily appeare to every body how much it imports us, in our ſence of her Majeſties deſires to preſſe every body to ſtraine himſelſe even to his beſt abilities in this propoſition, ſince by it wee ſhall certainly

preſerve her graciouſneſſe to us, and give good Characters of our devotion to the King and State; of whoſe benignitie wee have all reaſon to give teſtimonies, and to indeavour to produce arguments for the proſecution and increaſe of it.

Now for the beſt expedition of this buſineſſe (which is the chiefe circumſtance that importeth in it) we have thought fit to recommend it to your nominations of ſuch perſons as ſhall in your opinions be agreed of for the ableſt and beſt diſpoſed in every ſeverall County, not onely to ſollicite, but to collect ſuch voluntary contributions, as every bodies conſcience and duty ſhall proffer: And we ſhall deſire you to give us an account of what acceptation his friends, which wee cannot but expect very ſucceſſefull, and anſwerable to the forwardneſſe we meete with here about *London*, for which wee ſhall offer up our prayer to God.

*W. Mountague.*
*Ke. Digby.*

The

# The Coppy of the Letter ſent by thoſe Aſſembled in *London*, to every Shire.

THe incloſed Advices and motives being ſo ample, as you will perceive by peruſing them, it will not be needefull that we enlarge our ſelves upon any particulers concerning the conduct of the buſineſſe, which they direct the way in. This therefore ſerveth onely to convey them to you, (as we are intreated by thoſe that have met here, and have undertaken to doe) and deſire you to repaire immediatly unto thoſe perſons to whom they be directed, and to deliver the ſame unto them in the name of all the Noble men and Gentry (together with our ſelves) aſſembled here at *London* by the Queenes commandement to ſet forward this worke. And wee pray you aſſure them in the moſt efficacious manner you can (ingaging all our credits for the truſt thereof) that it is the ſence of us all both Eccleſiaſticall and lay perſons, that beſides the diſcharging of their and our duties to God and the King, it mainely importeth the good of Catholiques to have their buſineſſe take good ſucceſſe. Therefore intreate them to deale actively and efficaciouſly and ſpeedily according to theſe advices and motives. Wee are ſo well perſwaded of their devotion to put forward ſo pious a worke, that we doubt not but they will be as well ſatisfied in the needefulneſſe of

of the thing, and bee as ready to imploy themſelves in it, receiving the aſſurance thereof, and perſwaſions thereunto, onely from our hands, as if they came by all the moſt formall wayes that can be imagined; which in a buſineſſe of this nature cannot be expected. And although the Adviſes and motives be directed only to lay Gentlemen yet we deſire you, (& have anſwered for you) that you will imploy your ſelves and all thoſe that depend on you, ſincerely to ſollicite & diſpoſe all their mindes that you have relation unto, as powerfully as you can, to contribute cheerefully and bountifully upon this occaſion; which is the firſt that ever we laboured in of this kind, ſo wee hope in God it will bee the laſt: there being no probability of ſo preſſing and urgent a neceſſitie to occurre any more.

*London Aprill*, 1639.

*Yours, &c.*

The

# The names of the Collectors for gathering the Recusants money.

| | |
|---|---|
| *Bedfordshire.* | Mr. Church, Sir Robert Charnock, Mr. Robert Hewet. |
| *Barkeshire.* | Mr. Anthony Inglefield, Mr. Tirrell. |
| *Buckinghamshi.* | Mr. Robert Dormer, Sir Edward Manfield, Mr. Throgmorton, Mr. Bringhurst. |
| *Cambridgshire.* | Mr. Hon. Huddlestone, M. Charles Paryes, Mr Barker. |
| *Cheshire.* | Mr. Bidulph of Bidulph, Sir William Massey, Mr. William Stanley, Mr. James Poole. |
| *Cornwall.* | Mr. Victor, Mr. Burlacey, Mr. Trevilian. |
| *Cumberland.* | Sir Francis Howard, Mr. Ioseph Porter. |
| *Darbyshire.* | Sir Francis Willoughby, Mr. Aere of Hassop Mr. Poole of Spinckill. |
| *Devonshire.* | Sir. Sir Edward Carey, Mr. Berry, Mr. Anthony Gifford, Dr. Chichester. |
| *Dorsetshire.* | Mr. George Penny the elder, Mr. George Arundell, Mr. Webbe of Lanford, Mr. Wells of Purbecke. |
| *Durham.* | Sir Ralph Conniers, Mr. George Collingwood, Mr. Edward Smith. |
| *Essex.* | Mr. William Peters, Mr. Thomas Wright, Mr. Richard White. |

*Glocesterſhire.* Sir Iohn Winter, Mr. Wakeman, Mr. Benedict Hall, Mr. Atkinſon.

*Hertfordſhire.* —— —— —— ——

*Huntingtonſhi.* Mr. Price of Waſhingley, Sir Tho. Shirley, Mr. Tho. Cotton.

*Hereford ſhire.* Mr. William Bodenhum, Sir Iohn Wigmore, Mr. William Moore of Burrop, Mr. Iohn Harp.

*Hampſhire.* M. Iohn Arundell, Mr. George Penny the younger, Mr. William Owen.

*Kent.* Mr. Benjamin Wyborne, Mr. Clement Finch, Mr. Pettit.

*Lancaſhire.* Mr. Bradſhaw, Sir Cecill Crayford, Sir William Gerrard, Mr. Molineaux of the wood, Mr. Townley of Townley, Mr. Anderton of Loſtock.

*Leceſterſhire.* Sir Francis Engleſield, Mr. Golding.

*Lincolnſhire.* Mr. Anthony Mounſon, Sir Iohn Thymbleby, Mr. Robert Conſtable.

*London and Middleſex.* Mr. Cape, Mr. Thomas Rox, *Mr.* Becket, *Mr.* Richard Betham, *Mr.* Edward Harpe, *Mr.* Morgan, *Mr.* Iohn Chapperley, Dr. Kirton.

*Norfolke.* *Mr.* Everard, *Mr.* Charles Walgrave, Sir Hen. Beddingfield, *Mr.* William Paſton.

*Northamptonſh.* Sir William Saunders, *Mr.* Iohn Poulton.

*Nottinghamſh.* *Mr.* Thomas Smith the elder, *Mr.* Thomas Smith the younger.

*Northumberla.* Sir William Fenwicke, *Mr.* Haggerſton,

ston, *Mr.* Withrington, Sir Edward Ratliffe.

*Oxfordſhire.* Sir Richard Farmer of Kiddington, *Mr.* Will. Stone, *Mr.* Ralph Sheldon.

*Rutlandſhire.* *Mr.* Nicolas Cripps, *Mr.* William Andrewes, *Mr.* Alcock, Mr. James Digby.

*Shropſhire.* *Sir* Baſill Brooke, *Mr.* Plowden, *Mr.* Iohn Harrington.

*Sommerſetſh.* *Mr.* Rayno, *Mr.* Iohn Ewnis the elder.

*Staffordſhire.* *Mr.* Brooke of Lapley, *Mr.* Stamford of Perry Hall, *Mr.* Phillip Draycot.

*Surrey.* *Mr.* Edw. Cotton, Sir Rich. Weſton.

*Suſſex.* Sir Iohn Shelley, Sir Iohn Carroll.

*Suffolke.* Sir Francis Monnocke, Sir Roger Martin, Sir Edward Sylyard, *Mr.* Tho. Beddingfield of Beddingfield.

*Warwickſhi.* *Mr.* Anthony Dormer *Mr.* Thomas Morgan, *Mr.* William Sheldon, *Mr.* Rich. Middlemore.

*Wiltſhire.* *Mr.* William Arundell, the Lord Baltimore, *Mr.* Edward Stilling.

*Worceſterſhi.* *Mr.* William Abingdon, *Mr.* William Sheldon.

*Weſtmerland.* *Mr.* Anthony Ducket, *Mr.* Iohn Leyborne, *Mr.* Fleming.

*Yorkeſhire.*
- *Eaſt Riding.* The Lord Dunbarre, *Mr.* Brigham, *Mr.* Longdaill.
- *Weſt Riding.* Baronet Vavaſar, Baronet Gaſcoigne, *Mr.* Thomas Waterton, *Mr.* Phillip Hungate.
- *North Riding.* *Mr.* Craythorne the

younger, the Lord Fairfax, *Mr.* Anthony Mennell, *Mr.* Laurence Sare.

*Isle of Wight.* ———
*Anglesey.* ———
*Brecknocke.* *Mr.* Winter, *Mr.* Bevan, *Mr.* Maddock.
*Carnarvon.* *Mr.* Lewis.
*Caermarden.* Mr. *Towley.*
*Cardigan.* *Mr.* Lewis.
*Glamorgan.* *Mr.* Turbervile the younger.
*Denbigh.* *Mr.* Richard Floyd, *Mr.* Crew.
*Flintsh.* Sir Iohn Connoway, *Mr.* Pennat.
*Monmouth.* Sir Charles Sommerset, *Mr.* Morgan of Lantarnam, *Mr.* Morgan of Itton.
*Mountgomery.* Sir Pierce Herbert.
*Merioneth.* ———
*Pembrookesh.* *Mr.* Towley of Arnostill.
*Radnorshi.* *Mr.* Thomas Crowther.

A

# A Message sent from the Queenes Majesty to the House of Commons by Mr. Comptroller.

*Feb. 5. 1640.*

THat her Majesty hath beene ready to use her best endeavour for the removing of all misunderstanding betweene the King and Kingdome.

That at the request of the Lords who petitioned the King for a Parliament, her Majesty at that time writ effectually to the King, and sent a gentleman expressely to perswade the King to the holding of a Parliament.

That shee hath since beene most willing to doe all good offices betweene the King and his people, which is not unknowne to divers of the Lords, and so shall ever continue to doe as judgeing it the onely way of happinesse to the King, her selfe, and Kingdome.

That all things bee justly setled betweene the King and his people, and the causes of misunderstanding taken away and removed.

That her Majestie having taken knowledge that having one sent to her from the Pope is distastefull to the Kingdome, she is desirous to give satisfaction to the Parliament within convenient time she will remove him out of the Kingdome.

That understanding likewise that exception hath beene taken to the great resort to her Chappell

pell at *Denmarke* house she will be carefull not to exceede that which is convenient and necessary for the exercise of her Religion.

She further taketh notice that the Parliament is not satisfied with the manner of rayſing money for the assistance of the King in his journey to the North, in the yeare 1639. at her intreaty from the Catholiques, she was moved thereunto meerely out of her deare and tender affection to the King, and the example of other his Majesties subjects; she seeing the like forwardnesse would not but expresse her forwardnesse to the assistance of the King.

If any thing be illegall, she was ignorant of the Law, and was carried therein onely out of a great desire to be assisting to the King in so pressing an occasion but promiseth to be more cautious hereafter, not to doe any thing but what may stand with the established lawes of the Kingdome.

Her Majestie being desirous to employ her owne power to unite the King and people and desireth the Parliament to looke forwards and passe by such mistakes and errors of her servants as may be formerly, and this your respect shee promiseth shall be repayd with all the good offices shee can doe to the house, which you shall finde with reall effects as often as there shall be occasion.

FINIS.

IRREGULAR MARKING OF THE TRACTS

# THE RECANTATION Of the Prelate of CANTERBURY:

Being his laſt *Advice* to his Brethren the Biſhops of ENGLAND:

*To conſider his Fall, obſerve the Times,* forſake their Wayes, and to joyne in this good work of REFORMATION.

---

*Remember that yee magnifie this great worke which men behold, The Nations that knew not God, ſhall rejoyce at it, The noyſe thereof ſhall go to the ends of the world,* Pſal.

---

*London,* Printed, 1641.

To his ever much esteemed, and most deserving Friend, the Authour of this *Palinodia*.

*WHilst thou un-mytr'st Prelats, lo! we bow*
*To gather gracious Garlands for thy brow.*
*And 'cause thou wound'st them with so sweet a grace,*
*They cannot grudge, but smiling on thy face,*
*Must humbly kisse the Rod: So, make thy way*
*Through glories aire, untill the vulgar eie*
*Forget thee, and æthereall thou appeare*
*Vnto the sons of wisdome, like a cleere*
*And select Star, which cannot deigne to bow,*
*And court the empty vapours here below.*

P. A.

# *Palinodia Cantuarienſis.*

THough the wicked hath ſettled his habitation with the Eagle among the Starres, and ſay in his minde, I ſhall not be changed, I ſhall not taſte of affliction, neither ſhall the dayes of Adverſity lay hold on me, yet there is an appointed time for all things, And the Almighty who hath diſpoſed the whole world, and hath charge over the Earth, will not pervert Judgement, His Eyes are upon the wayes of Man, He ſeeth all his goings, There is no darkneſſe, nor ſhaddow of Death where the workers of iniquity may hide themſelves, but in end the fulneſſe of deſtruction will come upon them, as the wide breaking in of Waters: Terrors will perſue their ſouls as the Winde, and their welfair ſhall paſſe away as a Cloud.

To theſe great Verities do I now humble my ſelf, and in the ſenſe of that convincing power (my reverend Brethren, who ſhould be to your times the Beauty of Integrity) that ſhakes my minde as an Earthquake, do I pronounce the children of Wiſedome bleſſed, and that no State is ſo good, ſo ſure, ſo happy, as the State of a good conſcience. But alas, the immoderate deſire of a fooliſh glory, and the paſſion to raiſe my condition to an height as unlawfull as unbeſee-

ming, and the want of an humble affection to truth, and hatred of error, hath now produced me an example to after ages, and a beaken to preserve you from Shipwrack, since therefore my angry Starres, will that I forfeit my reputation to shame, and my life t Justice; Suffer me (ye that have had a Communion of Fortune with me, and on whom the door of Favour is not, yet altogether shut) Suffer me to pour further my Soul in the bosome of your compassion: Resigne all your tears to me, that I may weep for this day, this day of indignation, which hath swallowed me up as a prey, and wherein destruction hath come upon me like an armed man, Receive these my words, my last words, I bequeath to you the Counsels of Truth, which if ye treasure up in your minde, will be a Cordiall to make you live, and not die; for now I am upon the borders of Time, The Vail is removed, and I must enter Eternity, Tis no more time to dally with the Gospell, and the World.

Ye have been my Fellow-Labourers in a strange Work, which We must now confesse, is not of God, and therfore wonder not, if it tumble down. We have miserably prostituted our souls to the Imagination of a Miter, whose Glory cannot save us in the day of shame, And all our endeavours have been to erect an Hierarchy, upon the Ruines of Religion, and Common-wealths. O consider this, ye that figure to your self a happinesse, where there is none, and look what pleasure I have of those things, whereof I am now ashamed, No nothing but the comfortlesse stings of a restlesse remembrance,

membrance, of bygone unanſwerable deeds, w I ſpeak with horror, and profeſſe with a bleeding heart. I have embraced that Shaddow which ye ſo hotly court; I have been lift up to the Pinacle of the Temple, whereat ye ſo zealouſly aſpire, and was gazed upon as a Starre, which gave life, and motion to you all; I have trode theſe ſame paths wherein ye contend, and liberally taſted theſe empty pleaſures of preferments. And of all my labours, have reaped nothing, but hatred, and ruine to my ſelf, miſery, and reproach to the Church.

And it is in vain to put the day of evill, and Juſtice far from me, for if He that lately did ſwim in his Princes ſmiles, on vvhom Nature had beſtowed her great abilities with a liberall hand, and Fortune had bountifully opened her Breſt, could finde no eloquence to be with the ſword of Juſtice, nor to mollifie the cruelty of the times, but behoved to drink the unavoidable Cup preſented to him, What can I expect when the Appetite of revenge is ſet on edge? And if Wrath has ſo eaſily travelled over Mountains, how ſhall it not ſtrike flat the Molehils: If the angry thunder made the noble Cedars ſhrink, how ſhall not the ſilly ſhrubs, lately crept from the mud of the Valleys be drowned in their Primitive baſeneſſe? I will not harbour the leaſt hopes of eſcape, or think that my Surplice ſtained with the adulterous ſpots of the great whore, can plead favour, when the purple richly dy'd with the rayes of His Majeſties Countenance, could not meet with pardon.

Though I have hitherto deckt my ſelf with a kinde of Majeſty, and Grace, in my Prelaticall pride arrayed with Splendor, and taught the gazing times to hide my faults, giving my Plots good Fortune; yet behold, an ungratious light (ſudden as a Tempeſt at Sea) hath diſcovered my nakedneſſe, and publiſht my ſhame; I am vile, and abaſed, trode down, and hid in the duſt; Judgement and Juſtice take hold on me, and caſt abroad the rage of their wrath, which will certainly extend their terrours to you, and grinde you to powder, if ye forſake not theſe wayes, whoſe going down are to the chambers of death. And therefore while my Oyl is yet laſting, and my Taper weakly burning, I will diſcloſe the true cauſes of this great miſery, and help you with an upright confeſſion of my wayes, as a Sacrifice for my ſelf (if it were poſſible to expiat the ſtain of my diſhonour, and appeaſe the Worlds diſpleaſure, Univerſall as the Sunne-Beams, and hot conſuming flames) and a Teſtimony againſt you (O children of defection) in the day of your accompt.

That I might appear a great Church-man of vaſt deſires, and deſignes, being radically reſolved to ſet up a Tyrannicall Power in the Perſons of Prelates, over the worſhip of God, over the conſciences, liberties, and goods of the People, It cannot be denyed, but I have negotiated moſt eagerly, and ſtrained all Poſſibilities, and Stratagems of State, to erect an Hierarchy, forgetting the directions of the Goſpel, and the bonds of Monarchy, and the cryes of the oppreſſed, leaving

leaving nothing undone to promote my intentions, and atchieve my ends, to which I had emancipated all thepowers of my mind, with so strong a Passion, as if I had been sent into the world for no other purpose, or as if the glory of God had been interessed, the honor of the King wounded, and all Religion had consisted in Episcopacy.

This I thought to effectuate two manner of wayes, especially, first by establishing my self at home in *England*, in the power of Sole and universall Jurisdiction, and that I might attain to be a Patriarch, for which ye know I have not stuck to plead contentiously. 2. By bringing the neighbour Nations of His Majesties Dominions, but most particularly that Kingdom of *Scotland* (to me so fatall) under my verge, and to the obedience of these novations, and alterations, wherein my Grandeur, and this change did essentially consist; With what exorbitancy of overdaring pride, and what insolency I have swayed all in the Church of *England*. How impudently I laid by the pastorall duty, and a care to approve my self to the eternall and secular Powers; how I have neglected all fear of Laws, of censure and shame, since I obtained the chair of *Canterbury*, and begun my Antichristian raign, imposing absolute Tyranny on the souls and wils of people, shall the after-age be hardly induced to beleeve! O but behold your poor Primitive mother, the distressed Church of this Iland, (if you be the children concerned in her bleeding miseries) and look how wofully she is torn, how we have opened her tender sides, pulled her Crown from her head, and

trode her under foot, Nay ſhe lyes breathleſſes, all covered with wounds, with ſores all defiled, And thoſe glorious twins, Religion and Peace, who loved to triumph here, ſweetly kiſſing each other, ſpreading over us the beauty of their halcyonian dayes, how have we alas ſo ſhreudly, ſo undeſervedly baniſhed, and given place to the unquiet furies of ugly error, and bloudy warre, ſo that whiles ſhe lyes labouring, like a diſgraced Virgin under the throwes of her thick coming ſorrows, in all the corners of the land, may it juſtly, be complained.

*Poſtquam interna furor diſcerpere viſcera cæpit,*
*Omnia membra labant, ſoluto & defecta vigore,*
*Tabeſcunt, tota penitus compage ſoluta*
*A capite ad calcem veſtigia nulla ſalutis*
*Quippe ubi cor languet, vitalia cuncta laborant.*
*Quis miſeræ queat Eccleſiæ memorare dolores,*
*Vulnera deflere lachrimis? mala dicere verbis?*
*Nec mihi ſi centum linguæ, totidem ora ſonarent,*
*Nec ſi Meonii Vatis torrente redundem,*
*Nec ſi melliflui contingat Muſa Maronis*
*Hæc ſatis enumerem, ſubſint aut verba volenti.*

But now her cryes have peirced the Clouds, and he that ſaid he would come, does come full of vengeance, with phials of wrath in his hand to poure upon thoſe who have ſo ſore oppreſſed her. I did voluntary forego her wo, and Sacrificing to the luſts of my own minde, I lul'd the world a ſleep, that the throne which I was building, for the greatneſſe of my name, might riſe more ſafe-

ly,

ly, I had erected a kinde of Inquiſition through the whole Land, and none dared ſo much to look ſtern upon the face of Epiſcopacy, (though they had been moſt eminent in all the graces of the Spirit) but preſently behoved to be cruſhed; I had ſo cunningly interlaced the Image of the Beaſt, with His Majeſties Pourtrait, that none durſt inveyagainſt the one, but preſently behoved to injure the other (thus caught within the compaſſe of Treaſon,) by a ſtrange Divinity, aſſuring the world, that the Crown could not flouriſh on the Kings head, without the Fellowſhip of a Miter; All my pretentions were deeply guilded with the Beams of Authority, which through Inadvertencie, and faſhion of Times, I made Uſher in ſuch ſtrangers, as deflored the Church, abuſed the State, and diſhonoured the whole Dominion.

When the ſeeds of Arminianiſme, Superſti ion, and Popery, (by my Epiſcopall law more tendering the honour of Hierarchy, then the Goſpels integritie) ſimplicity had been very Luxuriant, and over-run the whole Vineyard, I knew that as *Rome* was now filled with joy, for the fair hopes of our return to her, ſo was *England*, and all the Churches reformed choakt with fear and ſorrow: For alas, even as the Earth looks ſad, and ſullen, at the Sunnes departure, and every Tree, every flower puts forth a tear when he renews his comfort, Why do not we conceive the lovers of the Spirit of truth, muſt be diſmayed, wounded in heart, and cloathed in ſorrow when truth is baniſht from out the face of the Earth. Yet would

I

I never make ſcruple (out of zeal to that Spirituall Monarchy) to tread down all thoſe who were bold to ſpeak againſt the calamities of Times, iniquities of the Times, and the injuiries done to the Goſpel, though we muſt all confeſſe the Spirit of Truth, did powerfully dwell in them. I ſuppreſſed them, removed them, and ſend them in baniſhment beyond Sea, thereby depriving Church and Common-wealth of their Chriſtian help, both in Religion, and Policy; But my own Creatures, willing Inſtruments to promote my Counſells, and Projects, were moſt ſolemnly advanced to the places in Church and State. Thus We went on, kept our correſpondence, and ordored our game by ſuch a ſtrange cunning, and violence, that there remains a black Hiſtory for our deeds, which will hardly meet with belief in other Churches.

By the whole Current of my carriage, by my practiſes, wayes, motions, and intelligence ye knew, alas, that I was about that great work of the Whore of *Rome*, (in ſuch ſort that ſome of the Paſquils of the time have Charactered me Her laborious Pander) to make the poſſeſſion of World Hers, and derogate from the glory of the Goſpel, and honour of Kings. O be aſhamed for ſo miſerably proſtituting your ſelves, and your ſouls to the domineering pride of my humor, in fomenting my Popiſh intentions, conſtantly followed by you, as if we had joyntly conſpired to the overthrow of Truth and Religion.

And

And becauſe the Printers Preſſe did often ſpeake the times, and tell the world the myſtery of my Epiſcopiſing, therefore did I arrogate to my ſelfe the keys thereof, and making the power of Printing depend on me, did ſhut and open the ſame at my pleaſure. Neither durſt any booke though never ſo richly embelliſht with the treaſures of piety and wiſdome once appeare, untill by a ſupercillious licenſe my Canonicke Secretaries had firſt found it reliſh deeply of the Romiſh and Arminian poyſon. And as I was the rule of doctrine, intending and remitting the qualities of Sermons, as the conditions of times required, So were many Pulpits prophaned with Hereſies, Revilings, and Scurrilous reproches; Nay, wherein have I reſtrained my inſolent, and unbridled minde in the purſuit of my ſuperſtitious follies? What Statute Civill or Eccleſiaſticall cannot riſe up againſt mee, and argue guilty? To ſhew how I have framed new Conſtitutions, Ceremonies without number, which infeſt the world daily more and more, Canons, and Articles, and Oaths, printed, publiſhed, and forced upon the people? How wee have dared to grant Licenſes, and make preſumptuous Diſpenſations? How we have kept Courts, made all our Proceſſes, Summons, Citations, and Cenſures in our owne name, & ſtyle, it would make a Hiſtory as long as tedious to the World, as ſhamefull to my

abhorred ſelfe : They are written with the point of a Diamond on all the Church windows, every letter whereof to mee is a *nigrum Theta*, for it muſt be confeſſed, that I and my furious faction ſo ordered all, untill all was put out of frame, making the Kingdome the object of pitie, lacerate with many miſeries and diſtreſſes, and my ſelfe of too juſt an hate, thereby giving occaſion to the Enemies of the Goſpel, to ſing *Te Deum*, and to the Church of *England* to cry *Ichabod*. And never more juſtly then now might it be ſaid, *Men groan from out of the City, and the ſouls of the wounded cry out.*

But I forbeare to enlarge my ſelf, and afflict you with the ſad relation of theſe conveyances wherein yee had a great hand, & to which yee are privy, only let me confound my ſelf, before the World in this Declaration concerning my tyranny in the Scottiſh affaires, becauſe it is the moſt eminent, and funeſt act of the Tragedy, and has proved moſt effectuall to my perdition, and from thence *unde dolor & lachrymæ*, put forth a Propheſie to you of theſe evils, which will certainly come upon you likewayes, breake you aſunder, and ſhake you to pieces, if you ſtop your eares, and ſtill hate to be reformed, when Hee that is the confidence of all the ends of the earth, hath now revealed himſelfe ſo powerfully, and anſwered the expectation of

of the upright creature by terrible things, in Righteouſneſſe; for I know the end of your hopes, and gave expanſion to my ſoule to ſeek the things of this world, and not of God, but now, behold, I ſtand upon the ſtage of mortality like an accurſed tree, the miſerable object of this age, groan under the hatred of three Kingdomes, able to cruſh all the Miters in *England*, ready to be teared by the wrath of mine Enemies, who ſharpe their eyes againſt mee.

Not content with that abſolute Power which the errour and conſuetude of Times, and the indulgence of Princes (importuned with reſtleſſe ambition) ſuffered to fall upon mee heere in the *Engliſh* Church, I would needes dilate my ſelfe like a ſwolne cloud of infection, to obſcure the light, to poyſon the aire, and to trouble the calme, and ſerenity of other Kingdomes; I could not endure that other Churches ſhould looke grievouſly, and a ſquint upon our manner of government. For I muſt confeſſe, my intentions were deepe and large, againſt all the reformed Churches, and Reformation of Religion, which through his Majeſties Dominions I had wounded to the very ſoul, ſo that it lay groveling, and panting on the ground ready to expire, if I had not been removed, and our plots detected to the glory of God, to the honour of King and Parliament, to the terrour of

the wicked,and comfort of all thoſe who have bin labouring after the beauty of theſe times, and would have bought theſe acceptable days with many thouſands.

For this purpoſe, I made the firſt aſſault on the weakneſſe of *Scotland*, (as in my light eſtimation I conceived, but was deſtitute of the Spirit of Prophecie) and cauſed to be compiled a Service booke for their devotion, obtruding the ſame upon their Church, which I knew the tenderneſs of their conſcience could no ways endure; yet by my owne counſell I was caſt down; for though I knew well it was nothing elſe but a ſtrange Rhapſody of all unclean things and unſavoury, wch once received in the bowels of Church or State, could never give reſt, till like a virulent poyſon it had begotten inteſtine warre in the body Eccleſiaſtick and Civill. I knew likewayes it overturned from the foundation the order of their Church,making a large entry to all Novations to come,being repugnant to the Doctrine, Diſcipline, and order of their Reformation, to their Confeſſion of Faith, Conſtitutions of their Generall Aſſemblies, and Acts of their Parliament eſtabliſhing true Religion; yet would I needs enforce that booke upon a Nation, which ſooner would have welcomed the Plague,the Famine,and the Sword.Hence did ſpring this terrible combuſtion, (which I feare ſhall no other wayes be quenched, then by

by the bloud of that faction which cauſed the ſame) now threatning with open mouth, and implacable fury to devoure us all; When the Scots affrighted with ſuch an unknown Monſter had in moſt humble manner proſtrate themſelvs to authority, and craved a diſpenſation, from that impreſtable obedience, not able to drinke that poyſon which I had ſo imperiouſly preſented to them, as if Supreame Majeſty had been violated, Monarchy affronted, and a Royall Prerogative many wayes injured, I armed Authority againſt them, and made ſuch ſtrange pretences, diſſembling a Zeale to the honour of the Crowne (which meane while I was trampling under-foote) that any thing behoved to bee done, all the Treaſures of Revenge were to be waſted, before his Majeſties command did not meete with full obedience; but the ſuggeſtions and motions were ever mine, moſt palpably to blow up all, and involve all in conflagration.

All the Supplications (both pious and frequent) the Declarations, Informations, and Reformations (to which none of us could ever reply) of that afflicted Nation, I cauſed to bee ſuppreſſed moſt diligently (not able to ſtand before ſuch a Light, and fearing they ſhould work the overthrow of our cauſe) and procured them to bee anſwered with terrible Proclamations. And when they were con-

ſtrained to uſe the remedy of proteſtation, without any ſcruple or tryall of the buſines, (like an undiſtinguiſhing fire that delights to feed it ſelf by embracing all Objects) I cauſed them bee declared and publiſhed, in all the Churches of *England*, Traitors, and Rebells; And laſtly when they were ſeeking to poſſeſſe their Religion againſt my ſtrange devices, and Novations, I Kindled the fatall warre, and rather then I ſhould fall from my counſels, and have any of my intentions caſt back on my face, *I* choſed to cover the whole Iſland with bloud.

And therefore having once eſpouſed the *Roman* quarrell, I cauſed diſplay an open banner and muſtered my forces, called forth my Squadrons (as if religion, and the honour Royall had been lying at the ſtake) and ſet forth an Epiſcopall Expedition for defence of the Mitre, which in end will be covered with aſhes in deſpight of all created powers. But ô yee of little providence, for what all this fury? Where were your ſouls? And why did none of us foreſee the black ſucceſſe of ſuch deſtructive diſtempers, and unmercifull extremities? But this was our houre, our very houre, wherein wee were wiſe to our owne deſtruction.

Thus when by our working the Land was divided in two Armies, advanced and brought in view of each other, yet not ſo much as a

Dog

Dog to offend; When all matters were ſweetly compoſed, and by a Pacification as undeſired as unexpected of us both Nations had comforted themſelves with the hopes of peace and quietneſſe, then like an angry wind that layes bare the very ocean, or like fire impriſoned, I burſt forth and ſpred my ſelf with greater violence, and could not give reſt to my mind, till a new war was kindled, and all things for their deſtruction with a freſher reſolution then before prepared againſt them. How I beſtirred my ſelf both at the Counſell Table, and privy Juncto, to reproach all his Majeſties Royall intentions of peace with his Subjects, and that Pacification as diſhonourable, and fit to be broken, yee can all beare mee record. I controlled the judgement of the whole Kingdome and Parliament. And though they found no juſt reaſon and emergencie for warre, yet becauſe I apprehended our Kingdome was like to make a fatall end, and our Babel was trembling, ready to tumble down about our eares, and that there was no ſafety left but to build upon the ruines of their confuſion, Therefore in politick probability I thought it moſt fit to ſhake all, and put all in diviſions and diſorders, that ſo wee might work our owne ſafety, and the redemption of Hierarchy from the publike reproach, fiſhing in troubled waters: Thus in my graceleſſe ſagacity, I concluded it good counſell to bring both

both Kingdomes neerer to ruine, that being made poore and passive, they might be ruled with the more ease.

It is not unknown to you all how impudently, and blasphemously I railed against that Covenant of *Scotland*, (which like a terrible Spear in the hand of the mighty has strickē us through the very soul,& must triūph through the world, to the abolishing of that great Bishop, if wee observe the indeniable finger of a Providence) though it was most true that the same did containe nothing but the marrow of Religion, was approved by Nationall Assemblies, subscribed by his Majesties Commissioners,& by the Lords of his Majesties Counsell, and by them commanded to be subscribed by all the Subjects of that Kingdome, as a testimony of their duty to God & the King. Though the beautiful face of Religion which did shine there most gloriously, and all these warrants in a morall way could have justified them, and taught mee better manners, yet I would break through all considerations, and make good my mistake, using that power whereof I was in possession to the effectuall embracements of my owne wishes. As they used all means to approve themselves to God and Man, and deliver unto their Posteritie the true Religion in her purity and majesty, So I professe my study was to render them odious, charging with unquestioned guilt these Subjects

jects that endeavoured to gain his Majesties favour and were most faithfull to his Crown, and dignity.

When the Parliament could not bee induced to discend into warre against a Nation, maintaining their Religion, and Liberties, I did impede their procedings, and stop their Resolutions, as if they had met for no other purpose, then to give up their Judgements to mee, and evidence their devotion to my corrupt ends. And not only did I advise the breaking up of that high and honourable Court of Parliament,(on which all the Eys of *Europe* were fastned,and whence the reformed Churches expected refreshment) but did like-ways sit still in the Convocation house,making Canons and Constitutions: Ordaining under all highest paines, that hereafter the Clergy should preach foure times in the yeere such Doctrines as were contrary not only to the Scottish proceedings, but to the Doctrines and proceedings of other Churches, to the Judgement of all sound Divines, and Politiques, and tending to the utter slavery, and ruining of all Estates, and Kingdomes, and to the dishonour of Kings, and Monarchs. Not content herewith, I procured six Subsidies to be levied of the Clergie, under pain of deprivation to al who should refuse for this great exigency, and Holy war. And as if all these had not been sufficient(O hide your faces, and

blush for shame) I caused frame and print a Prayer, and sent through all the parishes of *England*, to be said in time of divine Service, against that Nation by the name of traiterous Subjects having cast off all obedience to their anointed Soveraigne, and comming in a rebellious manner to invade *England*, that shame might cover their faces, as enemies to God and the King. Here let horrour and wonder sease your soul, and all Religion and C ndor be ashamed; if these alas be the fruits of the spirit of truth, and peace, or the words of charity or the wayes of the Gospel God and the World will judge.

Many strange oaths I invented pressing them upon the paine of imprisonment and huge pecuniall mulcts. And in that sacred Synod (as wee called it, but God is not mocked) was that love-lock of Antichrist forged, that prodigious that bottomlesse and unlimited oath coined, which was provided most prudently as bonds and chaines to ty the laity from invading our liberties which wee conceived to be powerfully fortified with our imperious Canons as a Rampard: So that if the wisdome of the State, in the great counsell and supreame Senate of the Kingdome, should think fit to alter any thing hereafter in the government of the Church, we gloried in this as a Master-piece of providence, to anticipate and forestall their judgement by making

king them ſweare before hand to damnable hereſies (for why ſhould I now diſſemble) That the government of Archbiſhops, Biſhops, Deacons, &c. (A ſtrange miſhapen Monſter with a Dragons taile, not ſprung from Scripture,) is *jure divino*, and that they ſhould never give conſent to any alteration. This was a heavie yoke, and ſtrong fetters caſt upon Chriſtian liberty. Yee all know what meanes wee uſed in that our Conclave to make all ſure againſt the ſtorme that threarned us: for the motive of our meeting was not the peace and purity of the Church, (nay, we threw oile in the flame) nor the extirping of hereſies, (for day after day they ſet up their abominable heads, and came forth as Locuſts out of the pit) and eſtabliſhing the truth, in the power of doctrine and diſcipline; but to aſſure our Epiſcopacie, and exalt Hierarchie, which was now fainting and languiſhing under the weight of ſo many reproaches ready to expire. If we dare not for the illegality of theſe Canons, appeare before that powerfull Sun-beame (the Eſtates of Parliament) which doth melt us like Snow, and make us aſhamed like Bats and Owls, where ſhall we ſtand for their impietie in the great day of our reckoning.

Theſe, O theſe be the trophees of my triumph, theſe bee the garlands adorning my Mitre, which are now deſperatly blaſted with the an-

grieſt thunder that ever fell upon an ambitious hea , which ſhall be likeways ſhortly turned to Cypreſſe at my unlamented funerals. The black cloud of diſhonour hangs over me, and I am drowned in ſhame; I am now the deſpiſed prey of the world, the noyſome ſpectacle of this age , example of juſtice to all thoſe who dare crucifie the harmleſſe truth, diſgrace the beauty of the glorious light, reſiſt the graces of the Goſpell , ſtifle the rayes of Majeſty with impure ſmoake, and drinke with open throat the intoxicate cup of accurſed preferment, which taints the judgement, and poyſons the heart: And therefore on the bended knees of my ſoule let mee entreat you, to caſt your eyes upon mee, not for pity and wonder only , but to hate thoſe things which have plunged me in this depth of miſery. Goe meaſure the height of your hopes, examine the very life & ſtrength of my happines, and compare it with that weight of anguiſh, that mighty trouble of mind, thoſe heavy diſappointments, the loſs of reputation, that bitter hatred (one dram of which evils, drowns the memory of all my forſaken follies , and deceitfull policies) and let this ſad and ſerious remonſtrance beget in you a perfit hatred of my ways , opinions and practices , and bring forth in your melting ſouls , a tender love to the peace of the Church: as you would embrace your owne eternall weal.

For

For behold I had lately eſtabliſhedmy ſelf upon the tops of the Mountaines, and thought I could not be removed, and flouriſhing like a Bay tree, the terrour of three Nations, feared at home, reverenced abroad, (in ſuch ſort that the Romiſh Church thought her ſelfe meritoriouſly acquit, when ſhe made eminent mention of mee in her prayers, as of the Rulers of Kingdomes, and Princes of the earth, that God would bleſſe ſo worthy a Prelate, and the great worke in his hands) But now I paſſe away, and my memory ſtinketh, Lo, there are no more eys in the 3 Kingdomes, nay, in all the Neighbour Churches almoſt, then are bent againſt mee, and ſetting me up as a mark, do ſhoot their anger at mee, and gaze at me with out-ſtretched necks: Conſider this, and looke a little how abject I am now, and how they have peſtred mee, every mouth is filled with railings, and I remaine the ſubject and recreation of the more frolick pens. The World has conſulted with my fate, and found nothing but tyranny contained in the leaf of my deſtiny, which they have pickt out in the anatomy of my name, as if I had beene a man ſet apart for the abuſe of Churches and Kingdomes, while one doth perſecute me with this Anagram,

WILLIAM LAUDE.

Anagram.

*I. made will Law.*

Sp'rit

*Spirit of Deluſion, Church and State*
*Have found this wrapt in thy black fate:*
*Thou roaredſt forth the Canon law,*
*And trembling madſt them ſtand in aw,*
*And both the Scepters ſwaya'ſt, but now*
*Thy Mitre tumbles from thy brow,*
*Thy maſke is torn, and we do ſee*
*The flames of thine adulterate eye,*
*'Twas from the North was heard the voice*
*Making all* England *to rejoyce,*
*Which firſt betrayed thee to thy ſhame,*
*And did diſplay thy ſtinking tame:*
*With tyrant Laws, and Iron rod,*
*Thou mad'ſt the prouder Mountains nod*
*And* Cædars *reel, Thence thou wouldſt try*
*The Artick Pole, and reach the Skie,*
*But thence great terrours, lightnings, thunder*
*Did teare thy throne, thy ſelfe aſunder,*
*And drown'd thee in eternall night*
*Proud and counterfeited light.*

*'Tis reaſon ſcurvy Mitres fall,*
*Before baſe Stateſmoles ſink us all.*

If this be the world's eſtimation, how is my Garland now humbled, and layed in the duſt? where is that honour, that uſurped power by which I knew well how to muzzell the times, and correct the petulancie of the bolder pens? but now they are filled with the venom of Aſps, and caſt forth flouds of gall upon me.

Lo

Lo here another monument of my fame, for I thought good to ſhew you with what honourable Elegies they reſolve to attend my Herſe, that yee may be acquainted with your Panegyricks before they be engraven on your Tombe, no kind recompence they will allow you nor ſuch as this.

*Like to a blazing Comet in the North (forth*
*Drowning the Neighbour Stars, and caſting*
*A ſtoud of fire, that poyſon'd all the aire,*
*And darken'd the light, thou didſt ere-while appeare,*
Sulphureous Meteor, *dangling in thy skie,*
*Thou thought ſt thou couldſt the Sun with beauty die,*
*And Soveraignly preſumedſt to diſpence*
*On every thing thy uſurped influence.*
*Baſe, putrid vapour, which ſome gentle rayes,*
*When* Phœbus *ſmiling on the Centre plays,*
*Hath lately but exhal'd, and with his beams*
*Hath ſo ſo deeply guilded, that it ſeems*
*Thou art a Star indeed, 'Cauſe thou didſt mock*
*The Moon and heavenly bodies, and provoke,*
*Climbing with jealouſie as to a crown,*
*Like* Lucifer *thou dyeſt, and art thrown down.*

Here is likeways the laſh of another unmercifull pen; It is my glory to abhor my ſelf, and I muſt preſent theſe little flouriſhes to you who like Camelions feed on the aire of popularity, that in them as in a mirrour, yee may diſcover the minde of the people, and their pro-

propenſion to hate you as Vipers & Serpents, enemies to mankind.

Laude *tibi* Laudis *nomen malefacta dedere,*
*Vt ſine* Laude *præis, ſic ſine* Laude *peris,*
*Perniciem in patriæ natus, Regiſque ruinam es,*
*Nequam es conſiliis, alter &* Achitophel:
*Hic natum in Patrem docuit fera bella movere,*
*Tu natum in Matrem bella ciere doces.*
*Vt tibi perfidiis fuit ille exemplar iniquis,*
*Sic tibi ſit mortis unica norma tuæ*
*I morere ut meritus, laqueoque averte laborem*
*Carnificis, Patriæ carnificina tuæ.*

A comfortleſſe compariſon and ſad ſentence: but what will not a provoked people (alas too juſtly provoked) ſay in the heat of their rage? all language is too narrow. If you will have more evidences of the univerſall diſtaſte, and know how perfectly odious I am, caſt your eyes upon this following Satyre, where they have ſtretcht themſelves to the furtheſt extent of language, & made me aſwell a Devill, as a Tyrant, reſolving my name thus,

WILLIAM LAUD.

Anagram.

*I am a Divell.*

*Then*

*THen like a fury poaſt to* Tartarus,
*Vngentle Monſter, and depart from us,*
*Sinke to the brazen-gated deep Abyſſe,*
*And there triumph, Quaff* Stygian Nonacris.
*Now, now the Tale-tell God diſplays his light,*
*To ſhew the world the horrour of thy night;*
*At whoſe approach perfuming all the Aire*
*With Spicie vapours, Spirits muſt diſappeare.*
*Hence, hence, on ſorrow and revenge to feed,*
*Go pull a Viper from* Alecto's *head;*
*Like angry winds goe whip the* Stygian *Lake,*
*And* Rodomanthoes *Iron throne make ſhake;*
*Go ſwallow Lightnings, dart thy prouder thunder,*
*Fill hell, as earth, with horrours, fear, and wonder.*
*We make more heavenly Muſique at thy fall,*
*Then all the Spheares that dance about the ball.*

Here comes forth another full of ſpight as the Grape ready to burſt, and ſhoots his arrows againſt me, whoſe poyſon doth make my ſpirit to ſmart.

## To the memory of the true Labourer in the *Roman* Cauſe, the Prelate of *Canterbury*.

*LAborious* Pander *to the whore of* Rome,
*Th'haſt acted bravely, and deſerv'ſt a room*
*Above all thoſe who could divide, confound,*
*And raze a Church, and Kingdome to the ground.*

*Thou sprung'st most proudly with aspiring role*
*Which could not stoop but to the Capitole.*
*The Church, the State, lay panting under neath*
*Thy pestring foot, and durst not once but breath*
*A sigh, or groan, nay, though the times we sie*
*Were bleeding forth their soul, yet durst not cry.*
*Thou pick'st the Diamonds from the Diademe*
*T' adorn the Mitre, and t'exalt the name*
*Of Prelacy 'bove power Secular,*
*Which shines beside your Moon, but like a Star.*
*Dread Prelat Lambethan, thou shalt be known*
*Where ere the* Roman *Eagle yet has flown:*
*Nor* Becket, Wolsey, *nor the hot-braind Crew,*
*Who did the harmlesse Truth so sore pursue,*
Gregorian *Kalendar have beautified,*
*So nobly as thou in Rubricks deified.*
*'Tis true enraged times may sacrifice*
*Thee for thy zeale, laugh forth thine Elegies,*
*And make thee a Proverb, yet the Lady of lands*
*Which doth embrace the World, amazed stands*
*And weeps thy losse, the Consistoriall train,*
*His Holinesse himself, do much complain,*
*And sweare th'have loos'd th' Arch-feather of their wings*
*By which they used to soare above the Kings:*
*Therefore about each Altar shall thy Bayes*
*Throng most solemnly, incense of thy prayse*
*Shall stream through every grieved Cathedrall,*
*While all the bels tole forth thy funerall.*

Thus am I tossed and made the scorne of time, they hold it good service to the present age, and posterity, to limn me in an hideous

hue,

hue, and contend whoſe pen ſhal be moſt pungent, and victorious in the Paſquill: Theſe ſame Palmes are ſpringing and ripening for you, if yee continue to incenſe the impetuous people, now in a dangerous agitation, which though oftentimes undiſtinguiſhing, yet nothing miſtaken in me.

I deſire therefore to entreat you; and conjure you all, in the power of paſſion, to be no more heires of my inſtitutions and deſignes, but rather be aſtoniſhed, putting on wonder, and pitie: for I muſt tell you, ſome think that Propheſie (thirteene *Revel.* at the laſt) about the beaſt comming out of the earth, which ſpoke as a Dragon, even now to be fulfilled, and the myſtery thereof revealed in my name, the numerall letters whereof being thus written WILL. LAVD make directly the number of the Beaſt.

*I am the Beaſt count it that can,*
*This is the number, I am the Man.*

If this cõmentary be not accurate, yet ſure the envy is exact, which ſhould beget remorſe and feare in mee, and wiſdome in you, for it will not forbear you when your cup ſhall be full. O the revolution of times, ô the hopes of man! How happy is hee who is prepared for all the turnings of the World? I muſt be ſhortly diſſõlved, brethren, and have faithfully (as becomes one in the laſt Article of his time) laſt

open to you the inner cabinet of my heart, where you may see the very fountain and root of all my woes, and learn to correct the perversnes of your own souls, & come out of *Babell*, as you would flie from a falling Towre. Let my words be precious to you, my condition terrible, and this my lamentation, which I have

*Bathed in deareſt teares of bitter grief,*
*That ever ſought to language for relief.*

Unmaske your eyes, and reclaime you from that ſpirituall adultery, whereby yee have ſo grievouſly prophaned the chaſtity of Religion, and given offence to the Reformed Churches. O with what exact humility would I caſt my ſelf in the boſome of that truth which I have wounded, if I thought my return would be gracious to the World. I know of what ſpirit yee be, and in the days of my labour did ſwell with that happineſſe which yee all promiſe to your ſelves. But take knowledge from me who has bought it at ſo deare a rate, and aſſure your ſelves that the hopes of the Righteous ſhal be gladnes, when the expectation of the wicked ſhall periſh. Truth muſt triumph.

What ſhall I doe to enforce this great Reſolution which concernes you as the life of your ſouls? Even to quit that your darling which you have hug'd ſo dearly; To lay by your Rochets, renounce your Epiſcopacie, which has ever been the very root of all theſe Ceremonies which this day doe infeſt the World,

world, & have of old produced the myſtery of iniquity: Once begin to entertain this thought that you are fighting againſt the heavens, and forſake thoſe things which do ſo evidently foment the combuſtions of the Chriſtian world.

How many Rites, and Orders, and Ceremonies, and Comick follies, & novations (which are not confined to number, but ſtill ſpringing up after the vanity of the imagination of the heart of man) doe attend that Antichriſtian Prelacie, as the tail of the Comet doth follow the imperfect miſtion of the evaniſhing body, which muſt all be drowned in the clouds of ſhame, when the Sun comes forth in Majeſty like a valiant Champion, to chaſe ungracious darkneſſe from the face of heaven and earth? O be aſhamed, for all that is deare to you in heaven or in earth be aſhamed, for the peace of your minde, for the worlds reputation, and the welfare of your deare Primitive Mother the Church, be aſhamed of theſe Lordly dignities, that abhorred preheminence. No wonder wee have ſo long troubled the calme of Church and Common-wealth, becauſe being lift up to the unnaturall places of preferment, we are out of our Element, and ſo cannot give reſt to our ſelves, nor the world. 'Tis no time to ſtand out any more, multitude of days may teach you wiſdome; God is thundring from above, and in a veine of working miracles. The myſtery of inquity is now perfectly revealed, and the world begins to be weary

weary of that tyranny and Iron rod, which ſo cruelly has bruiſed the powers of the earth, and twiched with repentance, ſhall ſhortly ſwell with the ſpirit of revenge; Joyne therefore cheerfully hand in hand to this Reformation: Behold, the voice of the Turtle is heard in the Land. Night is gone, the day is come, even the day of his power, the beauty of his holineſſe; for now hee will make knowne the ſtrength of his Kingdome, and his Subjects ſhall bee multiplied as the dew from the wombe of the morning. Can yee reſtraine the influence of his will? Or make his eternall purpoſe of no effect? O remember that yee magnifie this great worke which men behold, The Nations that knew no God ſhall rejoyce at it, The noyſe thereof ſhall goe to the ends of the World. Enquire of the dayes of old, and aske the Generations paſt, ſince this Iſland was bleſſed with the prerogative of the Goſpell (whereat the reſt of the World may ſtand jealous, and amazed) if ever the Revelation of the Glory of God, was working more powerfully. Nay, certainly, it muſt be confeſſed, if wee believe the Scriptures, that as the great Biſhop of Biſhops, That Man of Sin, that has ſo long deluded the Kings of the Earth, making them worſhip vain imaginations, muſt be ſwept out of the Church, and be deſtroyed, So now, even now the diſenchanted World thruſts at

his

his very ſoule through our ſides. And thoſe who are more inward with the Spirit of diſcerning, and obſerve the advancing of the Propheſies, and long after the riches of the Goſpell to be powred forth upon the fulneſſe of Nations, have joyfully found in theſe times a very ſtrange revolution, and that the powers of heaven are ſhaken, as if it had been myſtically foretold in the 111 *Pſalme, Verſe* 3.

הוד והדר פעלו וצדקתו עמדת
400 4 40 70 6 400 100 4 90 6 6 30 70 80 200 4 5.6 46.5

ל עד
4 70 30

whoſe numerall Letters produce directly the ſtrange yeere, even the yeere 1640, wherein by the dread Covenant of *Scotland* moſt eſpecially, and ever ſince by the deportments of the children of peace and terrour, the God of Truth ſeemed to make a vow againſt us. This computation doth hold in Engliſh, As in the *Hebrew*, HIs *W*orke *I*s *hono*V*rab*L*e*, *an*D *g*L*o*rIoV*s*, *an*D *h*I*s* r*ighteo*V*ſneſſe en*DV*reth for e*V*er*, Which cannot be but ſtrange, and joyned with the conſonancy of times abroad and at home, and the congruity of ſpirits and humours of men, might charge you with this ſad acknowledgment, and beget in you a curioſity to obſerve what God is doing.

We muſt indeed be forced to acknowledge from the ſenſe of our loſſes, from the daily de-

decreasing of our glory, and the advancements of our enemies, since that great yeere 1640 (which by after ages shall be observed as the times of *Babylonish* confusion) That the Lord has beene with them wonderfully, that wee have beene deserted in every particular, and tumbling from a precipice day by day, so that it were madnesse to thinke wee shall recover our game, or attain to the tops of the Mountains from whence wee are falne: This assistance, and the very time of the beginning of this reformation is observed by the more curious to have been promised, as it were, and intimated in the 2 *Chron.* 15. 2. in these words. The LorD Is with yoV WhI L e yee bee W I th h I M, whose numerall letters, fulfill the same yeer. But howsoever those curiosities hold, propheſies are no more mysteries, when mysteries are unvailed, and become Histories, for we have found those times, the beginnings of a revolution, which tend to great and effectuall alterations, which have given such a swing to the whole fabrick of our Kingdome, that the ligatures thereof are shaken. Nay, though we should use all nature and art to cement the same, it shall not avail, it shall not prosper, because the finger of God is against us.

Wee need not straine arguments afarre, to bring this home to your indocile soules, and possesse you with this assurance, that there is a great work begun which shall be consummate with

with glory, to the joy of the friends of the Goſpell, and utter confuſion of the enemies of Peace and Truth; and that in the Church of *England* likewayes, there is certainly a Reformation to be looked for, as in the Church of *Scotland*, which has (to the great emulation of the diſ-heartned people here, in this houre of hope, promiſing to themſelves a certain relief) ſo reſtored Religion and Truth to their ſplendour and purity (through the particular finger of God) that this day it is the meaſure of the deſires, and the height of the wiſhes, of all diſtreſſed Churches to be eſtabliſhed in the comforts of ſuch a Reformation as they now enjoy.

If the purpoſe of God by the condition of theſe times, and this ſtrange working, be not manifeſted to you, adviſe with Politike probability (yee that are Jeſuited Statiſts) and behold how every thing ſtrugles for our confuſion. The winds are let looſe from all the corners of the earth, and ſpread themſelves furiouſly: All mens affections decay almoſt, and are looſed to the Leaders of that great cauſe, for which we have poured out our ſouls (but unprofitably as waters ſpilt on the ground). For though to the gloriation of Papiſts (which they have openly, and inſolently declared in print) the face of our Church was changed, and the language thereof altered, yet now conſider the temper of mens minds,

the ſtrength of their wiſhes, and power of their affection. Nothing but univerſall deteſtation, and averſeneſſe from us, and our wayes, nothing but an inclination well followed, with the maturity of times, to the contrary in all points. For the people, like a field of ſtanding corne moved by a ſtiffe gale, do all bow their heads one way, or like a ſtrong tyde chaſed by the winde do all make but one current.

There is likeways a certain quickning, and agitation, and expectation in the ſpirits of men, to believe, and hope for the beauty of Reformation, and our utter removall, according as they have been (no queſtion) effectually praying, and of late in an extraordinary manner, reporting the comfort of a ſure confidence. Now tell me if yee conceive it poſsible, that ſo great a work, ſo eminently aſsiſted by him who holds the ends of the world in his hands, can be deſerted, but that it ſhall be crowned with the Copeſtone, elſe they had loſed their prayers, and the ſtrength of their wit, by which wee confeſſe they prevaile, for Hee that is the God of their Covenant marches on like a man of war, and wil not ſtay, till the Antichriſt be puld down, and his Enemies be made his footſtool, and the *Jews* and *Gentiles* call'd in. Wee have ſeene the goings of God the King in the Sanctuary. This is the day, and the worke of the Lord terrible in our eyes, wherein the Judgement of the great

Whore

Whore that ſits over many waters ſhall be ſhown.

Moreover, the fautors and inſtruments of this great work, have painted their truth, and their actions with a Sun-beam, and ſo ſtrongly ſeized the judgements of the World, that now every ſoule is warmed, fill'd with wonder, and reſts ſweetly convinced. With us and our faction, nothing but a benummed ſullenneſſe, and a profound ſilence; We are all given over to the ſpirit of ſlumber; Our pens are plagued with a lethargie, Though your Prelacie be now lying gaſping, yet there is none almoſt that dare owne it, not any to encounter thoſe papers which come forth in Squadrons, diſplaying the Banner of Truth, to captivate every underſtanding, and will, to the obedience thereof. Lay your hands on your mouth: for we are not all able to reſtore that Monſter to its wonted dignity, and height of power, nor fetch its pedigree from Heaven, or ſhew how the ſame ought to bee welcommed in the World, or can be uſefull, and expedient in a *Chriſtian* Republike: no we ſhould fail, though wee concentrat our wits, and alambique our ſpirits. There is one, indeed, who hath afflicted his underſtanding, and wearied his pen in the defence thereof, and now of late, with a new aſſault, tendred his Remonſtrance to the Parliament, humbly entreating the Honorable Court, to let the poor, miſerable, torn thing,

breath a while, but alas, thinke not that noble Senate (to whose wisdome all *Europe* doe pay their tributary gazes) will any longer nourish such Snakes, & keep Serpents in their bosome, for it cannot be but they must resent their smarts, and think wee have sting'd them with a dangerous poyson, which has mortally defiled all the veines of the Politicke and Ecclesiasticke body. How ready mans corruption is to any thing, which can give warrant, or coloured pretence to his ambition, may well appeare by his liveleſſe Apologie, wherein his Arguments are not so much Christian, as wrested from Antiquity. Yet yee that are the Fathers of the Church might well know, it was not so from the beginning, Truth did precede errour, and drive the point home to the Source, it shall be cleere. Antiquity is no patrociny for errour, and prescription no prejudice, to Truth, his reasons doe as much befriend the Romish Hierarchy as militate for the *English* Episcopacie, and much more easie it is to answer them, then to find them out.

But I pray you why doe not we follow the safest way, most free of Ceremonies and offences? Which among us can reproach all this while the Government of the *Scottish* Church? And dare wee deny but it is most agreeable to the simplicity of the Gospell? And a surer Rampard against the prevalencie of Heresies? whether

whether of the governments, their Presbyteriall, or our ſplendide, and magnifick Orders are more cõſonant to the Apoſtolike & Primitive, and leaſt approaching to the Romiſh? What Office-bearers among them, which ye find not in the Scriptures? Or any preheminence, and relation, of a Miniſter to a Miniſter, being both of one degree? Nay, give over the game which muſt be loſt, yee know if the Antichriſt muſt fall that we can hardly ſtand; If the Ocean be dryed up, whence ſhall the Rivers come?

It cannot be denied, but wee have moved ſwiftly and boldly. And to ſay wee have nothing advanced to *Rome*, & forſaken the cleer waters of the Goſpell, evaporated, and diſpirited the powers of Religion, it were an impudence beyond wonder, which all the Reformed Churches would caſt back on our faces with ſhame. Nay, wee have dethroned Truth, and builded Altars to Errour and Superſtition, chaſing Chriſt out of the Church, and making an holy place for Antichriſt; from Kings likewayes have we wreſted Authority, torn the Crowne, and adorned the Mitre, in ſuch ſort that the God of all the World may well ſay, We have reigned, but not by him, Wee have made our ſelves Princes, but hee knew it not. If it be not ſo, what then means the lowing of the Oxen, and the bleating of the Sheep? Whence the huge number of Ceremonies? The continuall encreaſe of No-

vations? The authorizing of Idolatry by Church Canons? Whence the communion of words, and practices, with Romanists? For it is very unbeseeming the people of God to symbolize with Idolaters, and the Enemies of God, (whether in their manner of worship or government) where there is no necessity. The *Jews* would not speak though it were but half the speech of *Ashod*. And when the world crys out against us, charging our profession with these great dishonours done to the Name of God, wee have no other hole to creep in, nor any better answer to return, then the Papists have for avoiding the stain of that abomination, which this day cuts the hearts of the *Jews*, and Reformed Churches. Now, to think that the Truth shall ever be born downe, and not once set up his victorious head, Nay, in this same Article of Time, wherein it has received such strength, and power, and Majesty, and hath dispersed the clouds, which wee of a long while have been diligently assembling, were egregiously to be infatuate, and if yee continue to let these hopes smile upon you, ye are certainly finally demented, and fitted to perdition, examples and fore-runners of that great wrath, appointed for those who had their eyes upon our returns, and expected the propagation of their Kingdome from us.

But if all other things should hold their peace

peace (ye that are witnesses to this great reformation, and upon whom these happy dayes have falne) hear how this late Covenant doth cry aloud; even this great Covenant, sworne, and sealed so solemnly. Do not yee see how they hold out their arms to embrace it, and think they have found a Sovereigne balme for all the wounds in Church & State, if happily applyed? Have they not hereby as it were taken the Sacrament for our destruction? What lesse things can bee expected then from the Covenant of *Scotland*, which as it hath filled the earth with the noise thereof, and made the Altars of *Rome* to tremble for fear, so now likewayes has proved a dangerous precedent, and a strange leading case for our compleat ruine? Of what strange productions can this be the fore-runner? Are all these motions, these solemnities of new resolutions, to which the people have so willingly espoused themselves, to no purpose? Can all this be for the upholding of our Kingdome? Or do not yee rather perceive a streaming Banner displayed against you? Have not they combined themselves with immoyable thoughts, to extirpate all unnecessary follies, and novations which are the very soul of our glory, and the beams of our splendour? Have they not cut our haires wherein our strength does lie, made us bald, and discovered our shame, and who may not

not invade us ſecurely? No, no, do not diſdain theſe great appearances; from the root of this Covenant ſhall ſpring a Tree whoſe top ſhall reach the Heaven, and under the branches thereof ſhall the Nations of the earth hide themſelves; it ſhal increaſe and flouriſh as the goodly Cedars of *Lebanon*, but our contemptible plant, which the heavenly Father hath not planted, ſhall be pulled up, and die. Tell me, yee that can diſcern the face of the weather, and pretend to know the times and ſeaſons, doth not every day looke more blacke and ugly? What kindneſſe have wee found of God, or what conqueſt of friends have wee made amongſt men, ſince the times began to be ſhaken? Doth not every day pull a feather from our wings, by which wee uſed to worke ſo high, till the vapours of the earth could not reach us? *Quæ nos dementia cœpit* to think we ſhall ever recover of theſe wounds already inflicted, ſince the arrows are daily multiplyed, and fall on us in ſhowres from all hands; Wee have ſtrained our moyen at the Courts of Princes, but they be now juſtly wearied of us: And hee is reputed neither good Chriſtian, nor underſtanding Countreyman, neither pious, nor politike, that dare open his mouth for us. And if wee ſhall lift up our eyes to Heaven, behold, Wee cannot ſay there be more for us, then againſt us, Wee can meet

meet with no conſolation, but a devouring ſword drawne againſt the children of Pride. What Giant plots we have ſet afoot, and how inſeaſonably they are diſcovered, to our eternall ſhame, it is now ſpred like the Suns light. And though hitherto there were ſome hopes left, yet now they are all blaſted, and wee begin to ſtink in the eyes of our boſome friends. Our purpoſes are unvailed, our intentions, blacke as darkneſſe, are now made known, and howbeit wee could have joyed before in ſome of the peoples good graces, yet theſe horrible deſignes, of advocating ſtrange aſsiſtance, of ſoliciting and covenanting with Papiſts, of forcing and beſieging the very Houſes of Parliament, and doing violence to the whole Kingdome, for upholding our Grandours, for keeping our venerable Garlands upon our heads, are indeed Acts able to draw the inſupportable weight of publike hate upon us, and which might as deſervedly procure us to be caſt out of the Church and State, as ever the Jeſuits were turned out of *France*, and are to this day baniſhed from the *Venetian* Republike.

Nor let us any more evaniſh in this deceit, to think wee can move Authority to lend us a gracious hand, and keep us from ſinking: for though the favours wee have found be great, and a mercifull Majeſty hath done much, yet now (it is to be feared) hee will relinquiſh us,

and not undoe his State Civill, for upholding the Ecclesiastick in Accidentals. And when Heaven and Earth combine against us, and the present estate of affairs deny help, and refuse hope, Whether shall wee flie? There is no balme in *Gilead* now; Take heed, The windes are blowing, the flouds are comming, and our thunder-stricken building must down, because not of God.

Wee have already received sentence from the Honourable House of Commons; their wisdome and justice have pronounced the peoples minde, and denounced the Kingdoms pleasure. And though the influence of some frolick faction (now fugitive as our hopes are) should yet a little prolong the life of our expectation, and entertain us with a possibility of wrestling thorow, Tell me if ever any person did thrive being once cõdemned by them? It is certainly a great losse, not to have the Parliaments affection, and very hard (as they say) to sit in *Rome*, and strive against the Pope. No, no, Nature and Grace, Time and Fortune, have taken such a good course to destroy us, that it is impossible wee can be saved without a miracle.

Far, far be it from us to think our contracted, and long accustomed boldnesse, and impudencie, can any more enveigle the eyes of the World, with that Idoll of Jealousie, which by the corruption of times, through the ambition of

of mans unlimited heart, is now exalted to ſuch exorbitancie of height, that become top-heavy, it fals with its own weight. O then forſake, In the bowels of mercy depart from that willingly, which as you are now deſerted of men, will once make you rejected of God. What is it (alas) to be covered with a Princes wings, to be warmed with the beams of his favour, to be ſet up as it were on a Pyramide, and made the object of wonder, to have ſuch ſway, that with the one foot ye may tread on the Church, with the other cruſh the State, and ſo to monopolize all power, that without you there is nothing but *ſimulachrum poteſtatis*? What is it I ſay, all this? Is God mocked? Can yee elude the thunderbolts of his anger? Can yee be lift up beyond the ſtroake of revenge? Can yee give laws to the Spirit of the moſt high, to mould the times in what faſhion pleaſeth you? Be there not certain fatall periods, as of Houſes, Families, & Cõmon-weals, ſo likeways a viciſsitude of governments? In many other places has Epiſcopacie been caſt out, neither ever could the face of Church or Common-wealth look calme, till that *Jonas* was thrown in the Sea. And in this diſpoſition of time, when all things ſmile on them, but frown upon us, nothing more eaſie, nothing more abſurd, then to flatter our ſelves with contrary expectations.

O that I knew what way to induce you

powerfully, to contemne that, which is unwarranted of God, hatefull to men, odious to the times, hurtfull to the Church, & in the end wil bring a dire deſtruction upon your ſelves. Would yee have ſignes from Heaven? Remember how all the inventions of our ſublimated policies, aſsiſted by the powers of the time, have failed us very wonderfully, in every particular, and turned upon our own pates; Looke to the continuall progreſſe of our affairs, how all the machinations which wee conceived were ſufficiently able, to ripen and produce our deſignes, have proved ſteps to advance our enemies (The great chaſtiſers of the times) and that we have reaped nothing of all our pains and expenſes, but ſad diſappointments to our ſelves, and confuſion to our cauſe.

Put off therefore theſe vain and unprofitable deſires, which are of the World, and die with the world. The fooliſh Grandour of your Lordly dignities, is but a dream and toy of ſome few decrepit yeeres, which flowne over, will make all the veins of your heart to ſhake, 'Tis but a ſhadow, in the morning with you, at night behind you, paſt and gone.

But now the inexorable meſſenger of death approacheth furiouſly, and charges mee to remove, The impatient World chaſeth me away, and I muſt be gone: I take therefore Heaven and Earth to witneſſe againſt you, that I have not

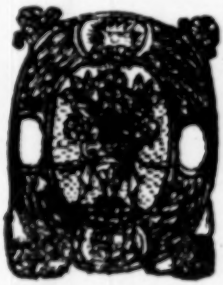
not hid my offences from you, but ſpred my ſelfe open, and given your diſcerning eyes a liberall view of my errours, which have ſo truly deſerved the heavieſt cenſure which can fall from the ſword of Juſtice, adviſing you as yee would eſchew the wrath to come, and be delivered from the worlds anger, no longer to reſiſt the Spirit, which prompts the times ſo powerfully, to ſolicit the embracements of the Whore, and by the continuall encreaſe of miſeries, to expoſe the Church & Kingdom, to be a ſpectacle of pitie & laughter to Neighbour Churches, and Common-weals. And if yee will not forſake your wayes, lay downe your Antichriſtian Offices at the foot of the Church, which ye have ſo miſerably torne, If you will not divorce your ſelves, from the luſts of that abominable preheminence, and be ſtrongly devoted to the advancements of this happy Reformation, which moves ſo ſweetly towards the end of Propheſies, for the preſervation of the glorious light of ſalvation, and encouragement of Gods people, I declare in audience of the World, that wrath ſhall come and fall upon your necks as Thunder from the Clouds, yee ſhall die and none lament it.

Thus have I acquit my ſelfe: for the ſpirit within me conſtrained me. I muſt depart, and reſigne my chair, never to be fill'd again. Have pity upon me my friends, for the hand of the Lord is upon me.

FINIS.

IRREGULAR MARKING OF THE TRACTS

# THE COPPY OF A LETTER SENT FROM GENERALL LEISHLEY, to the Lord GENERALL the Earle of HOLLAND, and read in the House of *Commons*, the 7th. of *July*, 1641.



Printed in the yeare 1641.

# The Coppy of a Letter ſent from Generall *Leiſhley* to the Lord Generall the Earle of *Holland*, and read in the Houſe of *Commons*, the *7th.* of *July*, 1641.

*My Lord*,

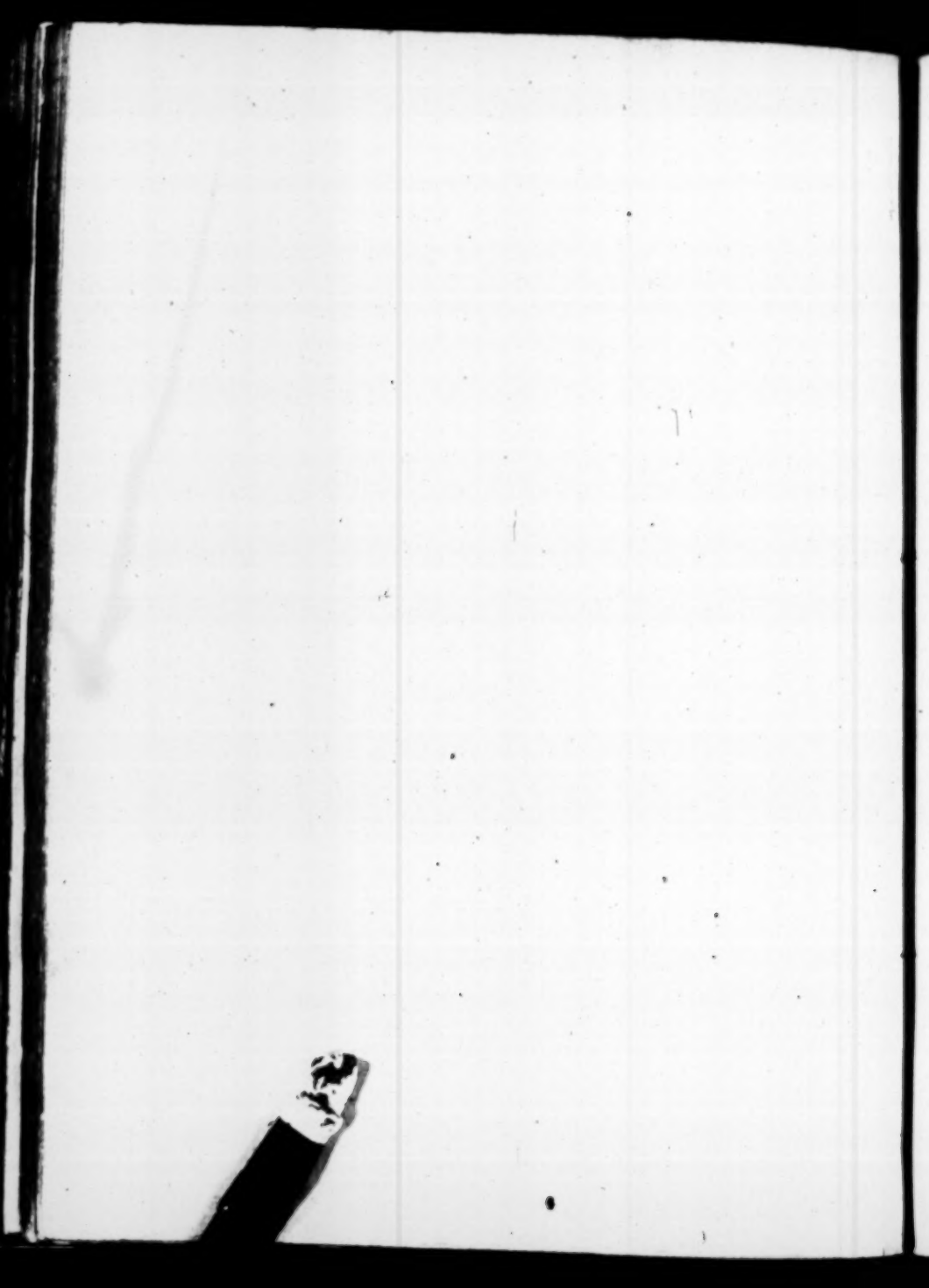
I Give your Lordſhip hearty thanks that you have been pleaſed to acquaint me with your arrivall at *Yorke*, I had ſome notice given me before by our Commiſſioners of his Majeſties Commands, and the deſire of the *Parliament*, for that happy and peaceable ſervice your Lordſhip is now about. I am glad that I am at *Darrington* by accident, in that place where I may give the more ſpeed and incouragement, which your Lordſhip deſireth and expects from me. This ſhall be done with all poſſible diligence: For as at the firſt, the reaſon of ſending any Troops towards the Tees, was for inlargement of their Quarter, and the great eaſe of the reſt of the Biſhoprick; ſo now, the retyring ſhalbe to take away al jealouſy from the Army of our aboade in this part of the County: For although the ſtreightning of our Quarter wilbe both prejudiciall to the Countrey and us, yet *God* forbid it ſhould be

made a pretext to make the leaſt ſtay to the good worke your Lordſhip hath in hand; and the further we remove from other in this end, we are the nearer to be joyned in all hearty affection for the ſervice of the King: Wherfore ſo ſure grounds of Hope are now layd, that all his Majeſties Three Kingdomes Enemies will have as much cauſe to feare the ill effects of our Union, as they had matter of rejoyceing at the too long laſting diſcord between us: And it may be ſo in all ages to come; which is the hearty wiſh and Prayer of

*Your Lordſhips moſt humble Servant,*

H. LEISHLEY.

*Dorrington the 2 of*
*July, 1641.*



19

# OF PRELATICAL EPISCOPACY,

AND

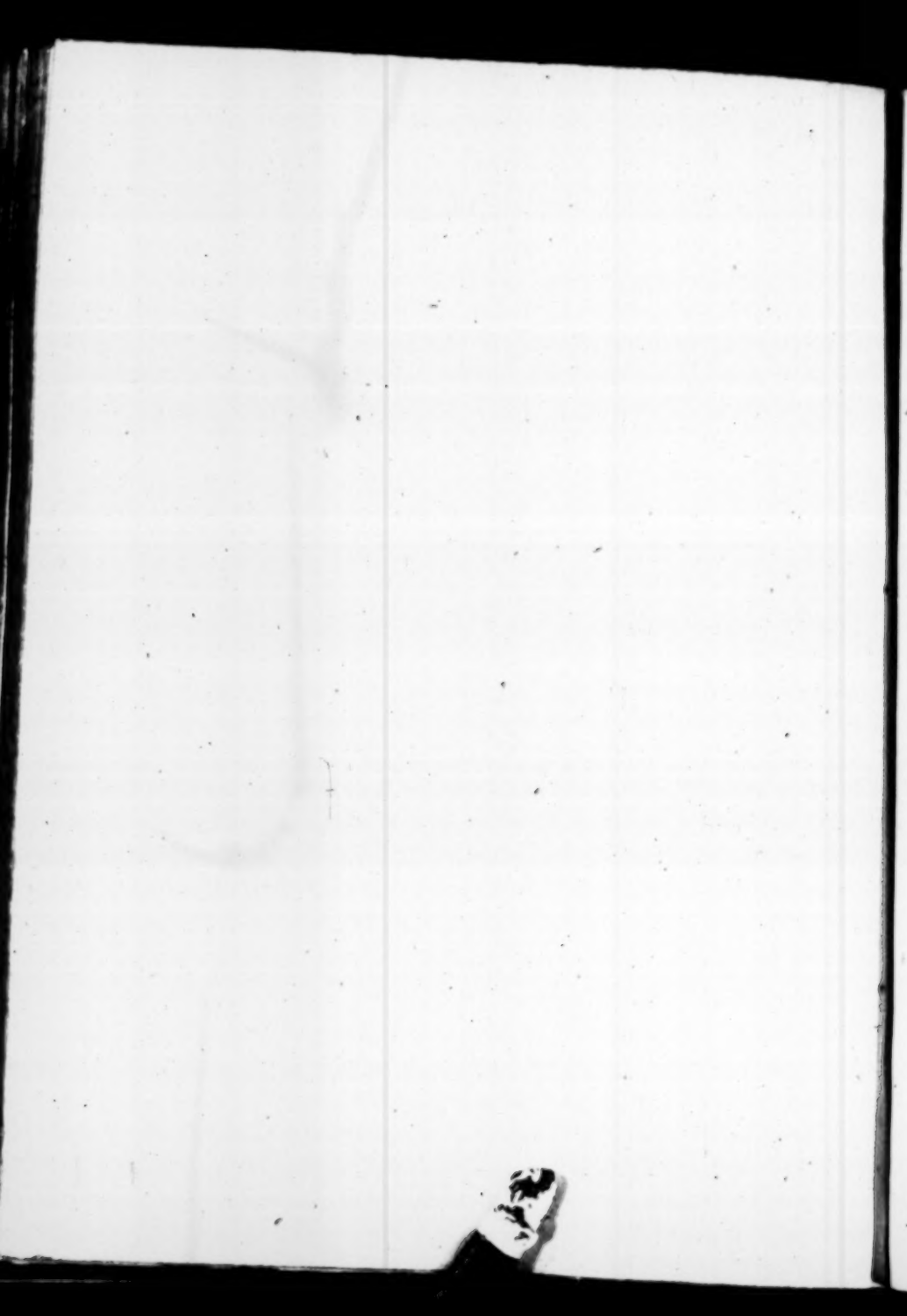
VVhither it may be deduc'd from the Apoſtolical times by vertue of thoſe Teſtimonies which are alledg'd to that purpoſe in ſome late Treatiſes:

One whereof goes under the Name of

## IAMES ARCH-BISHOP OF ARMAGH.

By John Milton

London, Printed by R. O. & G. D. for Thomas Underhill, and are to be ſold at the ſigne of the Bible, in Wood-Street, 1641.



# OF PRELATICALL EPISCOPACY:

EPYSCOPACY, as it is taken for an Order in the *Church* above a *Preſbyter*, or as wee commonly name him, the Miniſter of a Congregation, is either of Divine conſtitution, or of humane. If onely of humane, we have the ſame humane priviledge, that all men have ever had ſince *Adam*, being borne free, and in the Miſtreſſe Iland of all the *Britiſh*, to retaine this *Epiſcopacy*, or to remove it, conſulting with our owne occaſions, and conveniences, and for the prevention of our owne dangers, and diſquiets, in what beſt manner we can deviſe, without running at a loſſe, as wee muſt needs in thoſe ſtale, and uſeleſſe records of either uncertaine, or unſound antiquity, which if we hold faſt to the

grounds of the reformed *Church*, can neither skill of us, nor we of it, (so oft as it would lead us to the broken reed of *tradition*. If it bee of *Divine* constitution, to satisfie us fully in that, the Scripture onely is able, it being the onely Book left us of *Divine* authority, not in any thing more Divine then in the all-sufficiency it hath to furnish us, as with all other spirituall knowledge, so with this in particular, setting out to us a perfect man of *God* accomplish't to all the good workes of his charge. Through all which Booke can be no where, either by plaine Text, or solid reasoning found any difference betweene a Bishop, and a Presbyter, save that they be two names to signify the same order. Notwithstanding this clearnesse, and that by all evidence of argument, *Timothy*, and *Titus* (whom our Prelates claim to imitate onely in the controuling part of their office) had rather the vicegerency of an Apostleship committed to them, then the ordinary charge of a Bishoprick, as being men of an extraordinary calling, yet to verify that which Saint *Paul* foretold of succeeding times, when men began to have itching eares, then not contented with the plentifull and wholsom fountaines of the Gospell, they began after their owne lusts to heap to themselvs teachers, and as if the divine Scripture wanted a supplement, and were to be eek't out, they cannot think any doubt resolv'd, and any doctrine confirm'd, unlesse they run to that indigested heap, and frie of Authors, which they call Antiquity. Whatsoever time, or the heedlesse hand of blind chance, hath drawne down from of old to this present, in her huge dragnet, whether Fish, or Sea-weed, Shells, or Shrubbs, unpickt,

2 *Tim.* 4.

unpickt, unchoſen, thoſe are the Fathers. Seeing therefore ſome men, deeply converſant in Bookes, have had ſo little care of late to give the world a better account of their reading, then by divulging needleſſe tractats ſtuff't with ſpecious names of *Ignatius*, and *Polycarpus*, with fragments of old *Martyrologies*, and *legends*, to diſtract, and ſtagger the multitude of credulous readers, & miſlead them from their ſtrong guards, and places of ſafety under the tuition of holy writ, it came into my thoughts to perſwade my ſelfe, ſetting all diſtances, and nice reſpects aſide, that I could do Religion, and my Country no better ſervice for the time then doing my utmoſt endeavour to recall the people of GOD from this vaine forraging after ſtraw, and to reduce them to their firme ſtations under the ſtandard of the Goſpell: by making appeare to them, firſt the inſufficiency, next the inconvenience, and laſtly the impiety of theſe gay teſtimonies, that their great Doctors would bring them to dote on. And in performing this I ſhall not ſtrive to be more exact in Methode, then as their citations lead mee.

Firſt therefore concerning *Ignatius* ſhall be treated fully, when the Author ſhall come to inſiſt upon ſome places in his Epiſtles. Next to prove a ſucceſſion of 27. *Biſhops* from *Timothy*, he cites one *Leontius Biſhop* of *Magneſia*, out of the 11. act of the *Chalcedonian* Councell: this is but an obſcure, and ſingle witneſſe, and for his faithfull dealing who ſhall commend him to us, with this his Catalogue of *Biſhops*? what know wee further of him, but that he might be as factious, and falſe a *Biſhop*, as *Leontius* of *Antioch* that was a hunderd yeares his Pag. 4

predeceſſor? for neither the praiſe of his wiſedome, or his vertue hath left him memorable to poſterity, but onely this doubtfull relation, which wee muſt take at his word; and how ſhall this teſtimony receive credit from his word, whoſe very name had ſcarſe been thought on, but for this bare Teſtimony? But they will ſay hee was a member of the Councell, and that may deſerve to gaine him credit with us. I will not ſtand to argue, as yet with faire allowance I might, that wee may as juſtly ſuſpect, there were ſome bad and ſlippery men in that councell, as we know there are wont to be in our Convocations. Nor ſhall I neede to plead at this time, that nothing hath been more attempted, nor with more ſubtilty brought about, both anciently by other *Heretiks*, and modernly by Papiſts, then to falſifie the Editions of the Councels, of which wee have none but from our Adverſaries hands, whence Canons, Acts, and whole ſpurious Councels are thruſt upon us, and hard it would be to prove in all, which are legitimat againſt the lawfull rejection of an urgent, and free diſputer, but this I purpoſe not to take advantage of, for what availes it to wrangle about the corrupt editions of Councells, when as we know that many yeares ere this time which was almoſt 500. years after *Chriſt*, the Councels themſelves were fouly corrupted with ungodly Prelatiſme, and ſo farre plung'd into worldly ambition, as that it ſtood them upon long ere this to uphold their now well-taſted Hierarchy by what faire pretext ſoever they could, in like manner as they had now learnt to defend many other groſſe corruptions by as ancient, and ſuppos'd authentick tradition as Epiſcopacie. And what

hope

hope can we have of this whole Councell to warrant us a matter 400. years at least above their time concerning the distinction of *Bishop* and *Presbyter*, whenas we find them such blind Judges of things before their eyes in their decrees of precedencie between *Bishop*, and *Bishop*, acknowledging *Rome* for the Apostolick throne, and *Peter* in that See for the rock, the basis, and the foundation of the Catholick Church, and Faith, contrary to the interpretation of more ancient Fathers; and therfore from a mistaken text did they give to *Leo* as *Peters* successor a kind of preheminence above the whole Councel, as *Evagrius* expresses (for now the Pope was come to that height, as to arrogate to himselfe by his Vicars incompetible honours) and yet having thus yeilded to *Rome* the universall Primacie for spirituall reasons, as they thought, they conclude their sitting with a carnall, and ambitious decree to give the second place of dignity to *Constantinople* from reason of State, because it was new *ROME*, and by like consequence doublesse of earthly priviledges annext to each other City, was the BISHOP therof to take his place.

I may say againe therfore, what hope can we have of such a Councell, as beginning in the Spirit, ended thus in the flesh. Much rather should we attend to what *Eusebius* the ancienteſt writer extant of Church-history, notwithstanding all the helps he had above these, confesses in the 4. chap. of his 3. Book, that it was no easie matter to tell who were those that were left Bishops of the Churches by the Apostles, more then by what a man might gather from the *Acts* of the Apostles, and the Epi-

stles

stles of St. *Paul*, in which number he reckons *Timothy* for Bishop of *Ephesus*. So as may plainly appeare, that this tradition of Bishoping *Timothy* over *Ephesus* was but taken for granted out of that place in St. *Paul*, which was only an intreating him to
1 *Tim.* 1. 3. tarry at *Ephesus*, to do somthing left him in charge. Now if *Eusebius* a famous writer thought it so difficult to tell who were appointed Bishops by the Apostles, much more may we think it difficult to *Leontius* an obscure Bishop speaking beyond his own Diocesse: and certainly much more hard was it for either of them to determine what kind of Bishops those were, if they had so little means to know who they were; and much lesse reason have we to stand to their definitive sentence, seeing they have bin so rash to raise up such lofty Bishops and Bishopricks out of places in Scripture meerly misunderstood. Thus while we leave the Bible to gadde after these traditions of the ancients, we heare the ancients themselvs confessing, that what knowledge they had in this point was such as they had gather'd from the Bible.

Since therfore Antiquity it selfe hath turn'd over the controversie to that sovran Book which we had fondly straggl'd from, we shall doe better not to detain this venerable apparition of *Leontius* any longer, but dismisse him with his List of seven and twenty, to sleep unmolested in his former obscurity.

Now for the word ἐπισκοπὴ, it is more likely that *Timothy* never knew the word in that sense: it was the vanity of those next succeeding times not to content themselves with the simplicity of Scripture phrase, but must make a new Lexicon to name them-

themselves by, one will be call'd προεστὼς, or *Antistes*, a word of precedence, another would be term'd a Gnostick as *Clemens*, a third Sacerdos, or Priest, and talks of Altars; which was a plaine signe that their doctrine began to change, for which they must change their expressions: But that place of *Justin Martyr* serves rather to convince the Author, then to make for him, where the name προεστὼς τῶν ἀδελφῶν, the president, or Pastor of the Brethren (for to what end is he their President but to teach them) cannot be limited to signifie a Prelaticall Bishop, but rather communicates that Greek appellation to every ordinary *Presbyter*: for there he tells what the Christians had wont to doe in their severall Congregations, to read, and expound, to pray and administer, all which he saies the προεστὼς, or *Antistes* did. Are these the Offices only of a Bishop, or shall we think that every Congregation where these things were done, which he attributes to this *Antistes*, had a *Bishop* present among them? unlesse they had as many *Antistites* as *Presbyters*, which this place rather seems to imply, and so we may inferre even from their own alledg'd authority, *that Antistes was nothing else but Presbyter.*

As for that nameless Treatise of *Timothy's* martyrdome, only cited by *Photius* that liv'd almost 900. yeares after *Christ*, it handsomely follows in that author, the Martyrdome of the seven Sleepers, that slept (I tell you but what mine Author sayes) three hundred seaventy, and two years, for so long they had bin shut up in a Cave without meat, and were found living. This Story of *Timothy's* Ephesian Bishopricke as it follows in order, so may it for truth, if it only subsist upon its own authority, as it doth, Pag. 5.

for

for *Photius* only saith he read it; he does not averre it. That other legendarie piece found among the lives of the Saints, and sent us from the shop of the Jesuites at *Louain*, does but bear the name of *Polycrates*, how truly who can tell? and shall have some more weight with us, when *Polycrates* can perswade us of that which he affirms in the same place of *Eusebius* 5. Book, that S^t. *John* was a Priest, and wore the golden brestplate: and why should he convince us more with his traditions of *Timothy's* Episcopacie, then he could convince *Victor* Bishop of *Rome* with his traditions concerning the Feast of Easter, who not regarding his irrefragable instances of examples taken from *Philip*, and his daughters that were Propheteſſes; or from *Polycarpus*, no nor from St. *John* himselfe, Excommunicated both him, and all the Asian Churches for celebrating their Easter judaically: he may therfore goe back to the seaven Bishops his kinsmen, and make his moane to them that we esteem his traditionall ware, as lightly as *Victor* did.

p Euseb. l. 6. cap. 1.

Those of *Theodoret*, *Felix*, and *Iohn* of *Antioch* are autorities of later times, and therfore not to be receiv'd for their Antiquities sake to give in evidence concerning an allegation, wherin writers so much their Elders, we see so easily miscarry. What if they had told us that *Peter*, who as they say left *Ignatius* Bishop of *Antioch*, went afterwards to *Rome*, and was Bishop there, as this *Ignatius*, and *Ireneus*, and all Antiquity with one mouth deliver, there be never the lesse a number of learned, and wise Protestants who have written, and will maintain, that *Peters* being at *Rome* as Bishop cannot stand with concordance of Scripture.

Now

Now come the Epiſtles of *Ignatius* to ſhew us firſt, that *Oneſimus* was Biſhop of *Epheſus*; next to aſſert the difference of *Biſhop* and *Presbyter*, wherin I wonder that men teachers of the Proteſtant Religion, make no more difficulty of impoſing upon our belief a ſuppoſititious ofspring of ſome dozen Epiſtles, whereof five are rejected as ſpurious, containing in them Herefies and trifles, which cannot agree in Chronologie with *Ignatius*, entitling him Arch-Biſhop of *Antioch Theopolis*, which name of *Theopolis* that City had not till *Iuſtinians* time long after, as *Cedrenus* mentions, which argues both the barbarous time, and the unskilfull fraud of him that foiſted this Epiſtle upon *Ignatius*. In the Epiſtle to thoſe of *Tarſus* he condemns them for Miniſters of Satan, that ſay *Chriſt is God above all*. To the *Philippians* them that kept their Eaſter, as the *Aſian* Churches, and *Polycarpus* did, and them that faſted upon any Saturday, or Sunday, except one he counts as thoſe that had ſlain the *Lord*. To thoſe of *Antioch* he ſalutes the Sub-Deacons, Chaunters, Porters, and Exorciſts, as if theſe had bin Orders of the Church in his time: thoſe other Epiſtles leſſe queſtion'd are yet ſo interlarded with Corruptions, as may juſtly indue us with a wholſome ſuſpition of the reſt. As to the *Trallians* he writes that *a Biſhop hath power over all beyond all government, and autority whatſoever*. Surely then no Pope can deſire more then *Ignatius* attributes to every Biſhop, but what will become then of the Archbiſhops and Primates if every Biſhop in *Ignatius* judgement be as ſupreme as a Pope? To the *Epheſians*, neare the very place from whence they fetch their proof for Epiſcopacy, there ſtands a line that caſts an ill hue upon all the

Epistle, *Let no man erre*, saith he, unlesse a man be within the rayls, or enclosure of the Altar, he is depriv'd of the bread of life. I say not but this may be stretch'd to a figurative construction, but yet it has an ill look, especially being follow'd beneath with the mention of I know not what sacrifices. In the other Epistle to *Smyrna* wherein is written that they should follow their Bishop as *Christ* did his Father, and the *Presbytery* as the *Apostles*: not to speak of the insulse, and ill-layd comparison, this cited place lyes upon the very brimme of a noted corruption, which had they, that quote this passage, ventur'd to let us read, all men would have readily seen what grain the testimony had bin of, where it is said, that it is not lawfull without a Bishop to baptize, nor to offer, nor to doe sacrifice. What can our Church make of these phrases but scandalous: and but a little further he plainly falls to contradict the Spirit of *God* in *Salomon*, Judge by the words themselvs. My Son, saith he, honour *God* & the King; but I say, honour *God* and the Bishop as High-priest, bearing the image of *God* according to his ruling, and of *Christ*, according to his Priesting, and after him honour the King. Excellent *Ignatius* can ye blame the *Prelates* for making much of this Epistle? Certainly if this Epistle can serve you to set a Bishop above a *Presbyter*, it may serve you next to set him above a King. These, and other like places in abundance through all those short Epistles must either be adulterat, or else *Ignatius* was not *Ignatius*, nor a Martyr, but most adulterate, and corrupt himselfe. In the midst therfore of so many forgeries where shall we fixe to dare say this is *Ignatius*? as for his stile who knows it? so disfigur'd and

ard interrupted as it is, except they think that where they meet with any thing found, and orthodoxal, there they find *Ignatius*, and then they beleeve him not for his own authority, but for a truths sake, which they derive from els where: to what end then should they cite him as authentick for Episcopacie, when they cannot know what is authentick in him, but by the judgement which they brought with them, & not by any *judgement* which they might safely learne from him. How can they bring satisfaction frō such an Author, to whose very essence the Reader must be fain to contribute his own understanding. Had *God* ever intended that we should have fought any part of usefull instruction frō *Ignatius*, doubtleshe would not have so ill provided for our knowledge, as to send him to our hands in this broken and disjoynted plight; and if he intended no such thing, we doe injuriously in thinking to tast better the pure Euangelick Manna by seasoning our mouths with the tainted scraps, and fragments of an unknown table; and searching among the verminous, and polluted rags dropt overworn from the toyling shoulders of Time, with these deformedly to quilt, and interlace the intire, the spotlesse, and undecaying robe of Truth, the daughter not of Time, but of Heaven, only bred up heer below in Christian hearts, between two grave & holy nurses the Doctrine, and Discipline of the Gospel.

Next follows *Irenaus* Bishop of *Lions*, who is cited to affirm *that Polycarpus was made Bishop of Smyrna by the Apostles:* and thus it may seem, none could better tell then he who had both seen and heard *Polycarpus:* but when did he heare him? himselfe confesses to *Florinus*, when he was a Boy. Whether *page* 8.

that age in *Irenæus* may not be liable to many mistakings; and whether a Boy may be trusted to take an exact account of the manner of a Church constitution, and upon what terms, and within what limits, and with what kind of Commission *Polycarpus* receiv'd his charge, let a man consider, ere he be credulous. It will not be deny'd that he might have seen *Polycarpus* in his youth a man of great eminence in the Church, to whom the other *Presbyters* might give way for his *vertue*, *wisdome*, and the reverence of his age: and so did *Anicetus* Bishop of *Rome*, even in his own City, give him a kind of priority in administring the Sacrament; as may be read in *Eusebius*: but that we should hence conclude a distinct, and superior order from the young observation of *Irenæus*, nothing yet alledg'd can warrant us, unlesse we shall beleeve such as would face us down, that *Calvin*, and after him *Beza* were Bishops of *Geneva*, because that in the unsetl'd state of the Church, while things were not fully compos'd, their worth, and learning cast a greater share of businesse upon them, and directed mens eyes principally towards them, and yet these men were the dissolvers of Episcopacie. We see the same necessity in state affaires *Brutus* that expell'd the Kings out of *Rome*, was for the time forc't to be as it were a King himself, till matters were set in order, as in a free Commonwealth. He that had seen *Pericles* lead the Athenians which way he listed, haply would have said he had bin their Prince, and yet he was but a powerfull and eloquent man in a Democratie, and had no more at any time then a Temporary, and elective sway, which was in the will of the people when to abrogate.

gate. And it is moſt likely that in the Church they which came after theſe Apoſtolick men being leſſe in merit, but bigger in ambition, ſtrove to invade thoſe priviledges by intruſion and plea of right, which *Polycarpus*, and others like him poſſeſt from the voluntary ſurrender of men ſubdu'd by the excellencie of their heavenly gifts, which becauſe their Succeſſors had not, and ſo could neither have that autority, it was their policy to divulge that the eminence which *Polycarpus* and his equalls enjoy'd, was by right of conſtitution, not by free wil of condiſcending. And yet thus farre *Irenæus* makes againſt them as in that very place to call *Polycarpus* an Apoſtolicall *Presbyter*. But what fidelity his relations had in generall, we cannot ſooner learn then by *Euſebius*, who neer the end of his third Book, ſpeaking of *Papias* a very ancient writer, one that had heard St. *John*, and was known to many that had ſeen, and bin acquainted with others of the Apoſtles, but being of a ſhallow wit, and not underſtanding thoſe traditions which he receiv'd, fill'd his writings with many new doctrines, and fabulous conceits, he tells us there, that divers Eccleſiaſticall men, and *Irenæus* among the reſt, while they lookt at his antiquity, became infected with his errors. Now if *Irenæus* were ſo raſh as to take unexamin'd opinions from an Author of ſo ſmall capacity, when he was a man, we ſhould be more raſh our ſelves to rely upon thoſe obſervations which he made when he was a Boy. And this may be a ſufficient reaſon to us why we need no longer muſe at the ſpreading of many idle traditions ſo ſoon after the Apoſtles, whilſt ſuch as this *Papias* had the throwing them about, and the inconſiderate zeal of the

next

next age, that heeded more the perſon, then the Doctrine, had the gathering them up. Where ever a man, who had bin any away converſant with the *Apoſtles*, was to be found, thether flew all the inquiſitive eares, the exerciſe of right inſtructing was chang'd into the curioſity of impertinent fabling: where the mind was to be edified with ſolid *Doctrine*, there the fancy was ſooth'd with ſolemne ſtories: with leſſe fervency was ſtudied what Saint *Paul*, or Saint *Iohn* had written then was liſten'd to one that could ſay here hee taught, here he ſtood, this was his ſtature, and thus he went habited, and O happy this houſe that harbour'd him, and that cold ſtone whereon he reſted, this Village wherein he wrought ſuch a miracle, and that pavement bedew'd with the warme effuſion of his laſt blood, that ſprouted up into eternall Roſes to crowne his Martyrdome. Thus while all their thoughts were powr'd out upon circumſtances, and the gazing after ſuch men as had ſate at table with the *Apoſtles* (many of which *Chriſt* hath profeſt, yea though they had caſt out Divells in his name, he will not know at the laſt day) by this meanes they loſt their time, and truanted in the fundamentall grounds of ſaving knowledge, as was ſeene ſhortly by their writings. Laſtly for *Irenæus*, wee have cauſe to thinke him leſſe judicious in his reports from hand to hand of what the *Apoſtles* did, when we find him ſo negligent in keeping the *faith* which they writ, as to ſay in his third Booke againſt Hereſies, that the obedience of *Mary* was the cauſe of ſalvation to her ſelfe, and all mankind, and in his fift Booke, that as *Eve* was ſeduc't to fly *God*, ſo the Virgin *Mary* was perſwaded to obey *God*, that the Virgin

gin *Mary* might be made the Advocate of the Virgin *Eve*. Thus if *Irenæus* for his neereneſſe to the *Apoſtles*, muſt be the Patron of *Epiſcopacy* to us, it is no marvell though he be the Patron of Idolatry to the Papiſt, for the ſame cauſe. To the Epiſtle of thoſe brethren of *Smyrna*, that write the Martyrdome of *Polycarpus*, and ſtile him an Apoſtolicall, and propheticall Doctor, and Biſhop of the Church in *Smirna*, I could be content to give ſome credit for the great honour, and affection which I ſee thoſe brethren beare him, and not undeſervedly if it be true which they there ſay that he was a Prophet, and had a voyce from Heaven to comfort him at his death, which they could heare, but the reſt could not for the noiſe, and tumult that was in the place, and beſides if his body were ſo pretious to the Chriſtians, that hee was never wont to pull off his ſhooes for one or other that ſtill ſtrove to have the office, that they might come to touch his feet, yet a light ſcruple or two I would gladly be reſolv'd in; if *Polycarpus* (who, as they ſay, was a *Prophet* that never faild in what he foretold) had declar'd to his friends, that he knew by viſion, hee ſhould die no other death then burning, how it came to paſſe that the fire when it came to proofe, would not doe his worke, but ſtarting off like a full ſaile from the maſt, did but reflect a golden light upon his unviolated limbes exhaling ſuch a ſweet odour, as if all the incenſe of *Arabia* had bin burning, in ſo much that when the bill-men ſaw that the fire was overaw'd, and could not doe the deed, one of them ſteps to him, and ſtabs him with a ſword, at which wound ſuch abundance of bloud guſht forth as quencht the fire. By all this relati-

on

on it appeares not, how the fire was guilty of his death, and then how can his propheſie bee fulfill'd? Next how the ſtanders by could be ſo ſoone weary of ſuch a glorious ſight, and ſuch a fragrant ſmell, as to haſten the executioner to put out the fire with the Martyrs bleod, unleſſe perhaps they thought, as in all perfumes, that the Smoake would bee more odorous then the flame? Yet theſe good brethren ſay he was Biſhop of *Smyrna*. No man queſtions it, if Biſhop, and *Presbyter* were anciently all one, and how does it appeare by any thing in this teſtimony that they were not? If among his other high titles of propheticall, Apoſtolicall, and moſt admired of thoſe times, he bee alſo ſtil'd Biſhop of the Church of *Smirna* in a kind of ſpeech, which the Rhetoricians call κατ' ἐξοχὴν, for his excellence ſake, as being the moſt famous of all the *Smyrnian Presbyters*, it cannot bee prov'd neither from this nor that other place of *Ireneus*, that hee was therefore in diſtinct, and monarchicall order above the other *Presbyters*, it is more probable, that if the whole *Presbytery* had beene as renowned as he, they would have term'd every one of them ſeverally Biſhop of *Smyrna*. Hence it is that wee read ſometimes of two Biſhops in one place, and had all the *Presbyters* there beene of like worth, we might perhaps have read of twenty.

*Tertullian* accoſts us next (for *Polycrates* hath had his anſwer) whoſe teſtimony, ſtate but the queſtion right, is of no more force to deduce *Epiſcopacy*, then the two former. He ſaies that the Church of *Smirna* had *Polycarpus* plac't there by *Iohn*, and the Church of *Rome Clement* ordain'd by *Peter*, and ſo the reſt of the Churches did ſhew what Biſhops they had receive

receiv'd by the appointmẽt of the *Apostles*. None of this will be contradicted, for we have it out of the Scripture that Bishops or *Presbyters*, which were the same, were left by the *Apostles* in every Church, and they might perhaps give some speciall charge to *Clement*, or *Polycarpus*, or *Linus*, and put some speciall trust in them for the experience they had of their faith, and constancy; it remaines yet to be evinc't out of this and the like places, which will never be, that the word Bishop is otherwise taken, then in the language of Saint *Paul*, and the *Acts*, for an order above *Presbyters*. We grant them Bishops, we grant them worthy men, we grant them plac't in severall Churches by the *Apostles*, we grant that *Irenaus*, and *Tertul:* affirme this, but that they were plac't in a superiour Order above the *Presbytery*, shew from all these words why we should grant. 'Tis not enough to say the *Ap:* left this man Bishop in *Rome*, & that other in *Ephesus*, but to shew when they alterd their owne decree set downe by St. *Paul*, and made all the *Presbyters* underlings to one Bishop. But suppose *Tertullian* had made an imparity where none was originally, should hee move us, that goes about to prove an imparity betweene *God* the Father, and *God* the Sonne, as these words import in his Booke against *Praxeas*. The Father is the whole substance, but the Son a derivation, and portion of the whole, as he himselfe professes because the Father is greater then me. Beleeve him now for a faithfull relater of tradition, whom you see such an unfaithfull expounder of the Scripture. besides in his time all allowable tradition was now lost. For this same Author whom you bring to testifie the ordination of *Clement* to the Bishoprick

of *Rome* by *Peter*, testifies also in the beginning of his treatise concerning Chastity, that the Bishop of Rome did then use to send forth his edicts by the name of *Pontifex Maximus*, and *Episcopus Episcoporum* chief Priest, and Bishop of Bishops. For shame then doe not urge that authority to keepe up a Bishop, that will necessarily ingage you to set up a *Pope*. As little e in your advantage bee from *Hegesippus* an Historian of the same time not extant, but cited by *Eusebius*, his words are, that in every City all things so stood in his time as the Law, and the *Prophets*, and our Lord did preach. If they stood so, then stood not Bishops above *Presbyters*, for what our Lord, and his Disciples taught, *God* be thanked, we have no need to goe learne of him: and you may as well hope to perswade us out of the same Author, that *James* the brother of our Lord was a *Nazarite*, and that to him only it was lawfull to enter into the holy of Holies, that his food was not upon any thing that had life, fish, or flesh, that he us'd no woollen garments, but only linnen, and so as he trifles on.

If therefore the tradition of the Church were now grown so ridiculous, & disconsenting from the Doctrine of the *Apostles*, even in those points which were of lest moment to mens particular ends, how well may we be assur'd it was much more degenerated in point of *Episcopacy*, and precedency, things which could affor'd such plausible pretenses, such commodious traverses for ambition, and Avarice to lvrke behind.

p. 13. As for those *Brittaine* Bishops which you cite, take heed what you doe, for our *Brittaine* Bishops lesse ancient then these, were remarkable for nothing more

more then their poverty, as *Sulp Severus*, and *Beda* can remember you of examples good ſtore.

Laſtly (for the fabulous *Metaphraſtes* is not worth an anſwer) that authority of *Clemens Alexandrinus* is not to be found in all his workes, and wherever it be extant, it is in controverſie, whether it be *Clements* or no; or if it were it ſayes onely that Saint *Iohn* in ſome places conſtituted Biſhops: queſtionleſſe he did, but where does *Clement* ſay he ſet them above *Presbyters?* no man will gainesay the conſtitution of *Biſhops*, but the raiſing them to a ſuperiour, and diſtinct order above *Presbyters*, ſeeing the Goſpell makes them one and the ſame thing, a thouſand ſuch allegations as theſe will not give Prelaticall *Epiſcopacy*, one Chapell of eaſe above a Pariſh Church. And thus much for this cloud I cannot ſay rather then petty-fog of witneſſes, with which Epiſcopall men would caſt a miſt before us, to deduce their exalted *Epiſcopacy* from Apoſtolick times. Now although, as all men well know, it be the wonted ſhift of errour, and fond Opinion, when they find themſelves outlaw'd by the Bible, and forſaken of ſound reaſon, to betake them with all ſpeed to their old ſtarting hole of tradition, and that wild, and overgrowne Covert of antiquity thinking to farme there at large roome, and find good ſtabling, yet thus much their owne dëify'de antiquity betrayes them, to informe us that Tradition hath had very ſeldome or never the gift of perſwaſion; as that which Church Hiſtories report of thoſe *Eaſt*, and *Weſtern Paſchaliſts* formerly ſpoken of will declare, who would have thought that *Polycarpus* on the one ſide could have err'd in what he ſaw Saint *Iohn* doe, p. 16.

or *Aniceius* Bishop of *Rome* on the other side, in what he or some of his friends might pretend to have seene Saint *Peter*, or Saint *Paul* doe, and yet neither of those could perswade either when to keep Easter; The like frivolous contention troubled the primitive English Churches, while *Colmanus* and *Wilfride* on either side pleaded their opinion, the one from the undeniable example of Saint *John*, and the learned Bishop *Anatolius*, and laide the miraculous *Columba*: the other from Saint *Peter*, and the *Nicene* Councell could gaine no ground each of other till King *Oswy* perceiving no likelihood of ending the Controversie that way, was faine to decide it himselfe good King, with that small knowledge, wherewith those times had furnisht him. So when those pious Greek *Emperours* began, as *Cedrenus* relates, to put downe Monks, and abolish Images, the old Idolaters finding themselves blasted, and driven back by the prevailing light of the Scripture, sent out their sturdy *Monks* call'd the *Abramites*, to alledge for images the ancient Fathers *Dionysius*, and this our objected *Irenaus*, nay they were so high flowne in their antiquity, that they undertooke to bring the *Apostles*, and *Luke* the *Evangelist*, yea *Christ* himselfe, from certaine records that were then current, to patronize their Idolatry, yet for all this the worthy Emperour *Theophilus*, even in those darke times chose rather to nourish himselfe, and his people with the sincere milke of the Gospell, then to drinke from the mixt confluence of so many corrupt, and poysonous waters, as tradition would have perswaded him to by most ancient seeming authorities: In like manner all the reformed Churches abroad,

broad unthroning *Epiſcopacy* doubtleſſe were not ignorant of theſe teſtimonies alledg'd to draw it in a line from the *Apoſtles* dayes, for ſurely the Author will not thinke he hath brought us now any new authorities, or conſiderations into the world, which the Reformers in other places were not adviſ'd of, and yet we ſee, the interceſſion of all theſe Apoſtolick Fathers could not prevaile with them to alter their reſolv'd decree of reducing into Order their uſurping, and over provender'd *Epiſcopants*: and *God* hath bleſt their worke this hunder'd yeares, with a proſperous and ſtedfaſt, and ſtill happy ſucceſſe. And this may ſerve to prove the inſufficiency of theſe preſent *Epiſcopall* Teſtimonies not only in themſelves, but in the account of thoſe ever that have beene the followers of truth. It will next behoove us to conſider the inconvenience we fall into, by uſing our ſelves to bee guided by theſe kind of Teſtimonies. He that thinks it the part of a well learned man, to have read diligently the ancient ſtories of the Church, and to be no ſtranger in the volumes of the Fathers ſhall have all judicious men conſenting with him; not hereby to controule, and new fangle the Scripture, *God* forbid, but to marke how corruption, and *Apoſtacy* crept in by degrees, and to gather up, where ever wee find the remaining ſparks of Originall truth, wherewith to ſtop the mouthes of our adverſaries, and to bridle them with their own curb, who willingly paſſe by that which is Orthodoxall in them, and ſtudiouſly cull out that which is commentitious, and beſt for their turnes, not weighing the Fathers in the ballance of Scripture, but Scripture in the ballance of the Fathers, if wee therefore

making first the Gospell our rule, and Oracle shall take the good which wee light on in the Fathers, and set it to oppose the evill which other men seek from them, in this way of Skirmish wee shall easily master all superstition, and false doctrine; but if we turne this our discreet, and wary usage of them into a blind devotion towards them, and whatsoever we find written by them, wee both forsake our owne grounds, and reasons which led us at first to part from *Rome*, that is to hold to the Scriptures against all antiquity; wee remove our cause into our adversaries owne Court, and take up there those cast principles which will soone cause us to soder up with them againe, in as much as beleeving antiquity for it self in any one point, we bring an ingagement upon our selves of assenting to all that it charges upon us. For suppose we should now neglecting that which is cleare in Scripture, that a Bishop and *Presbyter* is all one both in name, and office, and that what was done by *Timothy*, and *Titus* executing an extraordinary place, as fellow labourers with the *Apostles*, and of a universall charge in planting Christianity through divers regions, cannot be drawne into particular, and dayly example, suppose that neglecting this cleerenesse of the text, we should by the uncertaine, and corrupted writings of succeeding times, determine that Bishop and *Presbyter* are different, because we dare not deny what *Ignatius* or rather the *Perkin Warbeck* of *Ignatius* sayes, then must we bee constrain'd to take upon our selves a thousand superstitions, and falsities which the Papist will prove us downe in from as good authorities, and as ancient, as these that set a Bishop above a *Presbyter*. And the plaine

plaine truth is that when any of our men of thoſe that are wedded to antiquity come to diſpute with a Papiſt, and leaving the Scriptures put themſelves without appeale to the ſentence of *Synods*, and Councells, uſing in the cauſe of *Sion* the hir'd ſouldiery of revolted *Iſrael*, where they give the *Romaniſt* one buffe, they receive two counterbuffs. Were it therefore but in this regard, every true Biſhop ſhould be afraid to conquer in his cauſe by ſuch authorities as theſe, which if we admit for the authorities ſake, we open a broad paſſage for a multitude of Doctrines that have no ground in Scripture, to break in upon us.

Laſtly I doe not know, it being undeniable that there are but two Eccleſiaſticall Orders, Biſhops, and Deacons mention'd in the *Goſpell*, how it can be leſſe then impiety to make a demurre at that, which is there ſo perſpicuous, confronting, and parallelling the ſacred verity of Saint *Paul* with the offalls, and ſweepings of antiquity that met as accidentally and abſurdly, as *Epicurus* his atoms to patch up a Leucippean *Ignatius*, enclining rather to make this phantaſme an expounder, or indeed a depraver of Saint *Paul*, then Saint *Paul* an examiner, and diſcoverer of this impoſtorſhip, nor caring how ſlightly they put off the verdit of holy Text unſalv'd, that ſayes plainely there bee but two orders, ſo they maintaine the reputation of their imaginary Doctor that proclaimes three: certainly if *Chriſts* Apoſtle have ſet downe but two, then according to his owne words, though hee himſelfe ſhould unſay it, and not onely the Angell of *Smyrna*, but an Angell from Heaven ſhould beare us downe that there bee three, Saint *Paul* has doom'd him

twiſe,

twise, let him be accur'st, for *Christ* hath pronounc't that no tittle of his word shall fall to the ground, and if one jot be alterable it is as possible that all should perish; And this shall bee our *righteousnes*, our ample warrant, and strong assurance both now, and at the last day never to be asham'd of, against all the heaped names of Angells, and Martyrs, Councells, and Fathers urg'd upon us, if we have given our selves up to be taught by the pure, and living precept of *Gods* word onely, which without more additions, nay with a forbiddingof them hath within it selfe the promise of eternall life, the end of all our wearisome labours, and all our sustaining hopes. But if any shall strive to set up his *Ephod*, and *Teraphim* of Antiquity against the brightnesse, and perfection of the *Gospell*, let him feare lest he and his *Baal* be turn'd into *Bosheth*.

And thus much may suffice to shew
that the pretended *Episcopacy*
cannot be deduc't from
the *Apostolicall*
TIMES.

---

*The End.*

---

20

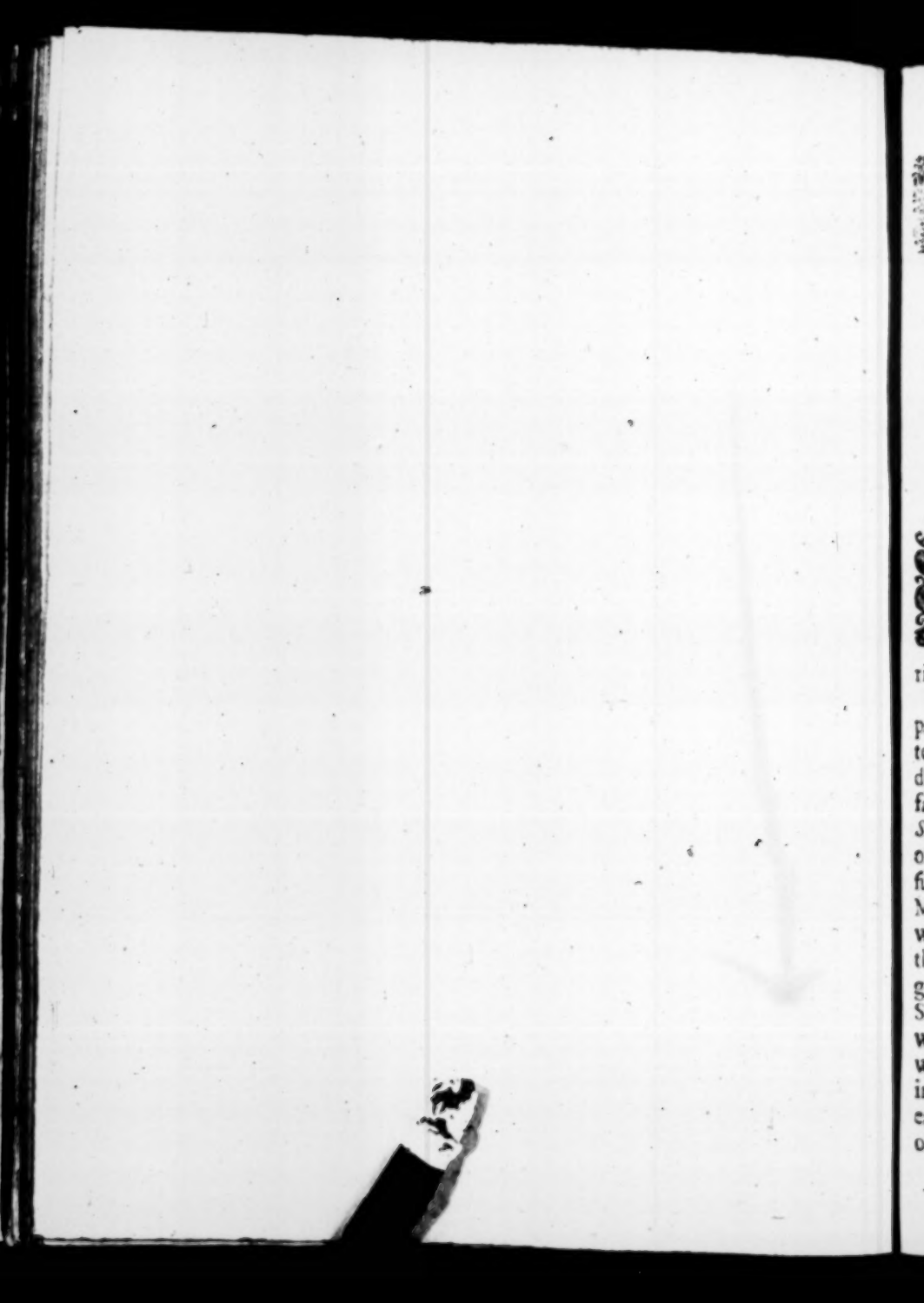
# A Parallell betweene

## Robert late Earle of Essex, and George *late Duke of Buckingham.*

---

Written by *Sir Henry Wotton,*
*Knight, &c.*

Printed at *London*, 1641.



# Of Robert Devereux, Earle of Essex:
# AND
# Of George Villiers, Duke of Buckingham.

## Some Observations by way of Parallell in the time of their Estates of favour.

AMongst those Historicall Imployments, whereunto I have devoted my later yeares, (for I read, that old men live more by memorie than by hope) we thoght it would be a little time not ill spent, to confer the Fortunes and the natures of these two great personages of so late knowledge, wherein I intend to doe them right with the truth thereof, and my selfe with the freedome.

The beginning of the Earle of *Essex*, I must attribute wholly or in great part to my Lord of *Leicester*: but yet as an Introducer or Supporter, not as a teacher: for as I goe along, it will easily appeare, that he neither lived nor dyed by his Discipline. Alwaies certaine it is, that he drew him first into the fatall Circle from a kinde of resolved privatenes at his house at *Lampsie*, in *South-Wales*, where after the Academicall life, hee had taken such a taste of the Rurall, (as I have heard him say (and not upon any flashes or fumes of Melancholy, or traverses of discontent, but in a serene and quiet Mood) that he could well have bent his mind to a retyred course. About which time, the said Earl of *Leicester* bewrayed a meaning to plant him in the Queens favour; which was diversly interpreted by such as thought that great Artizan of Court to doe nothing by chance, nor much by affection. Some therefore were of opinion, that feeling more and more in himselfe the weight of time, and being almost tyred (if there be a satietie in power) with that assiduous attendance, and intensive circumspection which a long indulgent fortune did require, he was grown not unwilling for his owne ease, to bestow handsomely upon another some part of the pains, and perhaps of the envy.

Others conceived rather, that having before for the same ends brought in,

or let in Sr. *Walter Rawleigh*, and having found him ſuch an apprentize as knew well enough how to ſet up for himſelfe, he now meant to allie him with this young Earle, who had yet taken no ſtrong impreſſions: ſo though the ſaid Sir *Walter Rauleigh* was a little before this, whereof I now ſpeake by occaſion, much fallen from his former ſplendor in Court; Yet he ſtill continued in ſome luſtre of a favoured man, like billowes that ſinke by degrees, even when the winde is downe that firſt ſtirre them.

Thus runnes the diſcourſe of that time at pleaſure; yet I am not ignorant, that there was ſome good while a verie ſtiffe averſation in my Lord of *Eſſex*, from applying himſelfe to the Earle of *Leiceſter*, for what ſecret conceite I know not; but howſoever that honour was mollified by time, and by his mother, and to the Court, hee came under his Lord

*The Duke of* Buckingham *had another kinde of Germination; and ſurely had he beene a plant, he would have beene reckoned amongſt the* Sponte Naſcentes, *for hee ſprung without any help, by a kind of congeniall compoſure (as we may terme it) to the likeneſſe of our late Soveraigne and Maſter of ever bleſſed memorie, who taking him into his regard taught him more and more to pleaſe himſelfe, and moulded him, (as it were) Platonically to his owne Idea, delighting firſt in the choyſe of the Materialls; becauſe he found him ſuſceptible of good formes) and afterwards by degrees as great Architects uſe to doe in the workmanſhip of his Regall hand, nor ſtaying here, after hee had hardned and poliſhed him about ten yeares in the Schools of obſervance, (for ſo a Court is) and in the furnace of tryall about himſelfe, (for he was a King could peruſe men as well as bookes) he made him the aſſociate of his heire apparant, together with the now Lord* Cottington, *(as an adjunct of ſingular experience and truſt) in forraine travailes, and in a buſineſſe of love, and of no equall hazzard (if the tenderneſſe of our zeale did not then deceive us) enough (the world muſt confeſſe) to kindle affection even betwixt the diſtanteſt conditions; ſo as by the various and inward converſation abroad (beſides that before and after at home) with the moſt conſtant and beſt natured Prince,* Bona ſi ſua Norint, *as ever England enjoyed. This Duke becomes now ſecondly ſeized of favour, as it were by diſcent (though the condition of that eſtate be no more than a Tenancie at will, or at moſt for the life of the firſt Lord) and rarely tranſmitted, which I have briefely ſet downe, without looking beyond the vaile of the Temple, I meane into the ſecret of high inclinations, ſince even Satyricall Poets, (who are otherwiſe of ſo licentious fancie) are in this poynt modeſt enough to confeſſe their ignorance.*

Neſcio quid certe eſt quod me tibi temperet Aſtrum.

*And theſe were both their ſpringings and Imprimings as I may call them. In the proſluence or proceedings of their fortunes, I obſerve likewiſe not onely*

*onely much difference between them: but in the Earle not a little from himself;* First, all his hopes of advancement had like to bee ſtrangled almoſt in the very Cradle. by throwing himſelfe into the *Portugal* Voyage without the Queenes conſent, or ſo much as her knowledge; whereby he left his friends and dependants neere ſixe moneths in deſperate ſuſpenſe what would become of him. And to ſpeake truth not without good reaſon: *For firſt they might well conſider, That he was himſelfe not well plumed in favour for ſuch a flight: Beſides that now he wanted a Lord of* Leiceſter *at home (for hee was dead the year before) to ſmooth his abſence, and to quench the practiſes at court. But above all, it lay open to every mans Diſcourſe, that though the bare offence to his Soveraigne and Miſtris was too great adventure, yet much more when ſhee might (as in this caſe) have fairely diſcharged her diſpleaſure upon her Lawes.* Notwithſtanding, *a noble report comming home before him.*

At his returne all was cleere, and this excurſion was eſteemed but a Sally of youth: Nay, he grew every day more and more in her Gracious conceit: whether ſuch intermiſſions as theſe do ſometimes foment affection, or that having committed a fault, he became the more obſequious and plyant to redeeme it: Or that ſhee had not received into her Royall breſt any ſhadows of his popularity.

There was another time long after, when Sir *Fulke Grevil* (late Lord *Brooke*) a man in appearance intrinſecal with him, or at the leaſt admitted to his Melancholly houres, eyther belike eſpying ſome wearineſſe in the Queene, or perhaps with little change of the word though more in the dangerſome markes towards him, and working upon the preſent matter (as ſhe was dexterous and cloſe) had almoſt ſuperinduced into favour the Earle of *Southampton*; which yet being timely diſcovered, my Lord of *Eſſex* choſe to evaporate his thoughts in a Sonnet (being his common way) to be ſung before the Queene, (as it was) by one *Hales*, in whoſe voyce ſhee tooke ſome pleaſure; whereof the complot me thinkes, had aſmuch of the Hermit as of the Poet:

*And if thou ſhouldſt by Her be now forſaken,*
*She made thy Heart too ſtrong for to be ſhaken.*

As if hee had beene caſting one eye backe at the leaſt to his former retiredneſſe. But all this likewiſe quickly vaniſhed, and there was a good-while after faire weather over-head. Yet ſtill I know not how, like a gathering of Clouds, till towards his latter time, when his humours grew Tart, as being now in the Lees of favour; it brake forth into certayne ſuddaine receſſes; ſometimes from the Court to *Wanſteed*, otherwhiles unto

*Greenewitch*, often to his owne Chamber, Doores ſhut, Viſits forbidden, and which was worſe, divers Conteſtations (betweene) with the *Queene* her ſelfe (all preambles of ruine) wherewith though now and then hee did Wring out of her Majeſty ſome petty contentments, (as a man would preſſe ſower Grapes) yet in the meane time was forgotten the Counſell of a Wife, and then a Prophetical Friend, who told him that ſuch Courſes as thoſe, were like hot Waters, who helpe at a pang, but if they be too often uſed, will ſpoyle the ſtomacke.

On the Dukes part, wee have no ſuch abrupt ſtraynes and precipees as theſe, but a faire fluent and uniforme courſe under both Kings: And ſurely as there was in his naturall Conſtitution a marvailous equality, whereof I ſhall ſpeake more afterwards; ſo there was an image of it in his Fortune running (if I may borrow an ancient compariſon) as ſmoothly as a numerous Verſe, till it met with certayne Rubs in *Parliament*, whereof I am induced by the very Subject which I handle, to ſay ſomewhat, ſo farre as ſhall concerne the difference betweene their times.

*When my Lord of* Eſſex *ſtood in Favour, the Parliaments were calme: Nay, I finde it a true obſervation, that there was no impeachment of any Nobleman by the Commons, from the Raigne of King* Henry *the ſixth, untill the eighteenth of King* Iames, *nor any intervenient preſident of that Nature, not that ſomething or other could be wanting to be ſayed, while men are men: For not to goe higher, wee are taught eaſily ſo much, by the very Ballads and Libels of* Leiceſtrian *time.*

*But about the aforeſayd Yeare, many young ones being choſen into the houſe of Commons, more then had beene uſuall in great Councells (who though of the weakeſt Wings, are the higheſt Flyers) there aroſe a certayne unfortunate and unfruitfull Spirit in ſome places; not ſowing, but picking at every ſtone in the Field, rather then tending to the generall Harveſt. And thus farre the Conſideration of the Nature of the Time hath tranſported me, and the occaſion of the ſubject.*

*Now on the other ſide, I muſt with the like Liberty obſerve two weighty and watchfull Solicitudes (as I may call them) which kept the Earle in extream and continuall Caution, like a Bow ſtill bent, whereof the Dukes thoughts were abſolutely free.*

Firſt,

Firſt, hee was to wreſtle with a *Queenes* declyning, or rather with Her very ſetling Age (as wee may terme it) which beſides other reſpects is commonly even of it ſelfe the more umbratious and apprehenſive, as for the moſt part all Horizons are charged with certayn Vapours towards their Evening.

*The other was a matter of more Circumſtance, ſtanding thus, viz.*

All Princes, eſpecially thoſe whom God hath not bleſſed with naturall iſſue, are (by Wiſe ſome of State) ſomewhat ſhye of their Succeſſors, and to ſpeake with due Reverence, there may be reaſonably ſuppoſed in Queenes Regnant, a little proportion of tendernes that way, more then in Kings. Now there were in Court two names of *Power*, and almoſt of *Affection*, the *Eſſexian* and the *Cecilian* with their Adherents, both well enough enjoying the preſent, and yet both looking to the future, and therefore both holding correſpondency with ſome of the principall in *Scotland*, and hath received advertiſements and inſtructions, eyther from them, or immediatly from the King as Inducist Heire of this Imperiall Crowne.

But leaſt they might detect one another; this was Myſteriouſly carried by ſeverall inſtruments and Conducts, and on the *Eſſexian* ſide, in truth with infinite hazard, for Sir *Robert Cecill* who (as Secretary of State) did diſpoſe the publicke addreſſes, had prompter and ſafer conveyance; whereupon I cannot but relate a memorable paſſage on eyther part, as the ſtory following ſhall declare.

The Earle of *Eſſex* had accommodated Maſter *Anthony Bacon* in a partition of his Houſe, and had aſſigned him a noble entertaynement: This was a Gentleman of impotent feete, but of a nimble head, and through his hand runne all the intelligences with *Scotland*; who beeing of a provident Nature (contrary to his brother the Lord Viſcount Saint *Albons*) and well knowing the advantage of a dangerous Secret, would many times cunningly let fall ſome Words, as if hee could amend his Fortunes under the *Cecilians* (to whom hee was neere of alliance and in blood alſo) and who had made (as hee was not unwilling ſhould bee beleeved) ſome great profers to winne him away; which once or twice hee preſſed ſo farre, and with ſuch tokens and ſignes of apparent diſcontent to my Lord *Henry Howard*, afterwards Earle of *Northampton*, (who was of the party, and ſtood himſelfe in much Vmbrage with the *Queene*) that hee flyes preſently to my Lord of *Eſſex*,

(with

(with whom hee was commonly *primæ admissionis*, by his bed side in the morning, and tells him that unlesse that Gentleman were presently satisfied with some round summe, all would be vented.

This tooke the Earle at that time ill provided (as indeed oftentimes his Coffers were low) whereupon hee was faine suddainely to give him *Essex*-House; which the good old Lady of *Walsingham* did afterwards dis-ingage out of her owne store with 25 o. pound; and before hee had distilled 1500. pound at another time by the same skill; so as wee rate this one secret, as it was finely carried at 4000. pounds in present mony, besides at the least 1000. pound of annuall pension to a private and bed-rid Gentleman; what would hee have gotten if hee could have gone about his owne businesse?

There was another accident of the same nature on the *Cicilian* side, much more pleasant, but lesse chargeable, for it cost nothing but Wit. The *Queene* having for a good while not heard any thing from *Scotland*, and being Thirsty of newes, it fell out that her Majesty going to take the Ayre towards the Heath (the Court being then at *Greenewich*) and Master Secretary *Cicill* then attending her: A Post came crossing by, and blew his Horne. The *Queene* out of curiosity asked him from whence the dispatch came; and being answered from *Scotland*; and he stoppes her Coach, and calleth for the Packet. The Secretary though hee knew there were some Letters in it from his correspondents; which to discover, were as many Serpents; yet made more shewe of diligence, then of doubt to obey; and askes some that stood by (so sooth in great hast) for a knife to cut up the Packet (for otherwise hee might perhaps awaked a little apprehension,) but in the meane time approaching with the Packet in his hand, at a pretty distance from the *Queene*; hee telleth her it looked and smelt ill-favouredly comming out of a filthy Budget, and that it should be fit first to open and ayre it, because hee knew she was averse from ill Sents.

And so being dismissed home, hee got leisure by this seasonable shift, to sever what hee would not have seene.

These two accidents precisely true, and knowne to few, I have reported as not altogether extravagant from my purpose, to shew how the Earle stood in certaine perplexities wherewith the Dukes dayes were not distracted. And this hath bee e the Historicall part (as it were) touching the difference betweene them in the rising and flowing of their Fortunes.

I will now consider their severall endowments both of *Person* and *Mind*, and then a little of their *Actions* and *Ends*.

The Earle was a pretty deale the Taller, and much the stronger, and of the abler body: But the Duke had the neater limbes and freer delivery; he was also the uprighter, and of the more comely motions, for the Earle did

did bend a little in the neck, though rather forwards then downewards, and he was so far from being a good dancer, that he was no gracefull goer. If we touch particulars, the Duke exceeded in the daintinesse of his leg and foote, and the Earle in the incomparable faireneſſe and fine ſhape of his hands; which (though it be but a feminine praiſe he tooke from his Father) for the generall Ayre, the Earle had the cloſer and more reſerved Countenance, being by nature ſomewhat more cogitative, and (which was ſtrange) never more then at meales when others are leaſt: Inſomuch as he was wont to make this obſervation of himſelfe, that to ſolve any knottie buſineſſe which cumbred his minde, his ableſt houres was when hee had checked his firſt appetite with two or three morſells, after which he ſate uſually for a good while ſilent, yet hee would play well and willingly at ſome games of greateſt attention, which ſhewed that when hee liſted he could licence his thoughts.

The Duke on the other ſide, even in the midſt of ſo many diverſions, had continually a very pleaſant and vacant face (as I may well call it) proceeding no doubt from a ſingular aſſurance in his temper. And yet I muſt here give him a rarer Elogie, which the maligneſt eye cannot deny him. That certainely never man in his place and power, did entertaine greatneſſe more familiarly, nor whoſe lookes were leſſe tainted with his felicitie, wherein I inſiſt the rather becauſe this in my Iudgement was one of his greateſt vertues and victories of himſelfe.

But to proceed, in the attyring and Ornament of their bodyes, the Duke a fine and unaffected politeneſſe, and upon occaſion coſtlie, as in his legations.

The Earle as he grew more and more attentive to buſineſſe and matter, ſo leſſe and leſſe curious of cloathing: Inſomuch, as I doe remember thoſe about him had a conceit that poſſibly ſometimes when hee went up to the Queene, hee might ſcant know what he had on, for this was his manner, his chamber being commonly ſtived with friends or Suitors of one kinde or other, when he gave his legs, armes, and breſt to his ordinary ſervants to button and dreſſe him with little heede, his head and face to his Barbour, his eyes to his letters, and eares to Petitioners, and many times all at once, then the Gentleman of his Robes throwing a cloak over his ſhoulders hee would make a ſtep into his Cloſet, and after a ſhort prayer, he was gone; onely in his Baths, he was ſomewhat delicate, for point of dyet and luxurie, they were both very inordinate in their appetites, eſpecially the Earle, who was by nature of ſo different a taſte, that I muſt tel a rare thing of him (though it bee but a homely note) that he would ſtop in the middeſt of any Phyſicall potion, and after he had licked his lips, he would drinke of the reſt, but I

am weary of ſuch ſlight Animadverſions.

To come therefore to the inward furniture of their mindes, I will thus much declare.

The Earle was of good Erudition having been placed at ſtudy in *Cambridge* very young by the Lord *Burleigh*, his Guardian, with affectionate and deliberate care, under the overſight of Doctor *Whitgift* then Maſter of *Trinitie Colledge*, and after Archbiſhop of *Canterbury*: A man by the way ſurely of a moſt reverend and ſacred memory, and (as I may well ſay) even of the primitive temper, when the Church in lowlyneſſe of temper, did flouriſh in high examples, which I have inſerted as a due recordation of his vertues, having been much obliged to him, for many favours in my younger time.

About ſixteen years of his age (for thither he came at twelve) he tooke the formality of Maſter of Arts, and kept his publique Acts, and heere I muſt not ſmoother what I have received by conſtant Information, that his owne Father dyed with a very cold conceit of him, ſome ſay through the affection to his ſecond ſonne *Walter Devereux*, who was indeed a dyamond of the time, and both of an hardy and delicate temper and mixture: But it ſeems this Earl like certaine vegetables, did bud and open ſlowly: Nature ſometimes delighting to play an after game as well as fortune, which had both their turnes and tides in courſe.

The Duke was Illiterate, yet had learned at Court, firſt to ſift and queſtion well, and to ſupply his owne defects by the drawing or flowing unto him of the beſt Inſtruments of experience and knowledge, from whom hee had a ſweet and attractive manner, to ſuck what might be for the publike or his own proper uſe, ſo as the leſſe he was favoured by the muſes, he was the more by the graces.

To conſider them in their Pure Naturalls, I conceive the Earles intellectuall faculties to have been his ſtrongeſt part, and in the Duke his practicall.

Yet all know that he likewiſe at the firſt was much under the expectation of his after proof: ſuch a ſodain influence therein had the ſoveraign aſpect, for their Abilities of diſcourſe or pen, the Earle was a very Acute and ſound ſpeaker when he would intend it, and for his writings, they are beyond example, eſpecially in his familiar letters and things of delight at Court when he would admit his ſerious habits, as may be yet ſeen in his Impreſſes and inventions of entertainment, and above all in his darling piece of love, and ſelfe love. his Stile was an elegant perſpicuity, rich of praiſe, but ſeldome any bold Metaphors, and ſo farre from Tumor that it rather wanted a little Elevation.

The

The Dukes delivery of his minde, I conceive not to be ſo ſharpe as ſolid and grave, not ſo ſolid and deepe as pertinent, and appoſite to the times and occaſions.

The Earl I account the more liberall, and the Duke the more magnificent, for I doe not remember that my Lord of *Eſſex* in all his life time did build or adorn any houſe, the Queen perchance ſpending his time, and himſelfe his meanes, or otherwiſe more inclyning to popular wayes, for wee knowe the people are apter to applaud houſekeepers then houſe-raiſers, they were both great cheriſhers of Schollers and Divines, but it ſeemes the Earle had obteyned of himſelfe one ſingular point, that he could depart his affection betweene two extreames, for though hee bare alwayes a kinde of filiall reverence towards Doctor *Whitguift*, both before and after he was Archbiſhop, yet on the other ſide, he did not a little love and tender Maſter *Cartwright*, though I think truely with large diſtinction betweene the perſons and the cauſes, howſoever hee was taxed with other ends, in reſpecting that partie.

They were both faire ſpoken Gentlemen, not Prone and eager to detract openly from any man, and in this the Earle hath been moſt falſely blemiſhed in our vulgar ſtory: Onely againſt one man, he had forſworne all patience, namely *Henry* Lord *Cobham*, and would call him (*per Excellentiam*) the Sycophant (as if it had been an Embleme of his name) even to the Queene her ſelfe, though of no ſmall inſinuation with her and one Lady likewiſe (that I may civillie ſpare to nominate, for her ſex ſake) whom he uſed to terme the Spyer of the Court, yet generally in the ſenſitive part of their Natures the Earle was the worſe Philoſopher, beeing a great Reſenter and a weak diſſembler of the leaſt diſgrace: And herein likewiſe as in the reſt, no good Pupill to my Lord of *Leiceſter*, who was wont to put all his paſſions in his pockquet.

In the growth of their fortunes, the Duke was a little the ſwifter, and much the greater, for from a younger brothers meane eſtate hee roſe to the higheſt degree whereof a Subject was capable either in Title or Truſt, therein I muſt confeſſe much more conſortable to *Charles Brandon* unde. *Henry the eight*, who was equall to him in both.

For matter of Donative and addition of ſubſtance, I do not beleeve that the Duke did much exceed him, all conſidered under both Kings.

For that which the Earle of *Eſſex* had received from her Majeſty, beſides the Fees of his Offices, and the diſpoſition of great Summes of money in her Armies, was cast out the time of his arraignement, when faults uſe to be aggravated with precedent benefits, valued at three hundred thouſand pounds ſterling in pure gift for his onely uſe, to the Earle of *Dorſet* then

Lord Treaſurer; who was a wiſe man, and a ſtrict Computiſt, and not ill affected towards him. And yet it is worthy of note in the Margent of both Times, that the one was proſecuted with ſilence, and the other with murmure, ſo undoing a meaſure is popular judgement.

*I cannot heere omit betweene them a great difference in eſtabliſhing of both their Fortunes and Fames.*

FOr the firſt, The Duke had a care to introduce into neere place at the Court divers of his confident Servants, and into high places very ſound and grave Perſonages; whereas except a Penſioner or two, wee cannot ſcant name any one man advanced of the Earles breeding, but Sir *Thomas Smith* having beene his Secretary, who yet came never further (though married into a noble Houſe) then to the Clearke of the Councell, and Regiſter of the Parliament; not that the Earle meant to ſtand alone like a Subſtantive (for he was not ſo ill a *Grammarian* in Court) but the Trueth is, in this poynt the *Cecilians* kept him backe, as very well knowing that upon every little abſence or diſſaduity, hee ſhould bee ſubject to take cold at his backe.

For the Other, in the managing of their Fames, I note betweene them a direct contrary Wiſedome; for the Earle proceeded by way of Apology which hee Wrot and diſperſed with his owne hands at large, though till his going to *Ireland* they were but ayery objections. But of the Duke this I know, that one having offered for his eaſe to doe him that kinde of Service; Hee refuſed it with a pretty kinde of Thankfull ſcorne (ſaying) that he would truſt his owne good intentions which God knew, and leave to him the pardoning of his Errours; and that hee ſaw no fruite of Apologies but the multiplying of diſcourſe, which ſurely was a well ſetled Maxime. And for my owne particular (though I am not obnoxious to his memory) in the expreſſion of *Tacitus*, *Neque injuria, neque beneficia*, ſaving that he ſhewed me an ordinary good Countenance. And if I were, yet I would diſtinguiſh betweene Gratitude and Truth, I muſt beare him this Teſtimony: That in a Commiſſion layed upon me by Soveraigne Commaund to examine a Lady about a certayne filthy accuſation grounded upon nothing but a few ſingle names taken up by a Foote-man in a Kennell, and ſtreight baptized: A liſt of ſuch as the Duke had appoynted to be empoyſoned at home, himſelf being then in *Spaine*: I found it to bee the moſt malicious and Franticke ſurmize, and the moſt contrary to his nature that I thinke had ever beene brewed from the beginning of the World, howſoever countenanced by a

Lybellous

Libellous Pamphelet of a fugitive Phyſition even in Print; and yet of this would the Duke ſuffer any anſwer to be made on his behalfe, ſo conſtant hee was to his owne Principles.

*In their Military Services the Characters of the Earles imployments were theſe, viz.*

HIs forwardeſt was that of *Portugall* before mentioned.

The ſaddeſt, that of *Roan* where hee loſt his brave Brother.

His fortunateſt peece I eſteeme, the taking of *Cadiz Malez*, and no leſſe modeſt, for there hee Wrot with his owne hands, a cenſure of his Omiſſions.

His jealouſeſt employment was to the reliefe of *Callais* beſieged by the Cardinall Arch-duke: about which, there paſſed then betweene the Queene and the French King, much Arte.

His Voiage to the *Azores* was the beſt, for the diſcovery of the Spaniſh weakneſſe, and otherwiſe almoſt a ſaving Voyage.

His blackeſt was that to *Ireland*, ordayned to bee the Sepulcher of his Father, and the Gulph of his owne Fortunes.

But the firſt in 88. at *Tilbury Campe*, was in my judgement, the very poyſon of all that followed, for there whileſt the Queene ſtood in ſome doubt of a *Spaniſh Invaſion* (though it proved but a Morrice dance upon our Waves) ſhe made him in Field Commaunder of the Cavalry (as hee was before in Court) and much graced him openly in view of the Souldiers and people, even above my Lord of *Leiceſter*: the trueth is from thenceforth hee fed too faſt.

THe Dukes employment abroad in this nature, was onely in the Action of the *Ile of Reez*, of which I muſt note ſomewhat for the honour of our Country, and of his Majeſties times, and of them that periſhed and ſurvived, and to redeeme it generally from miſ-underſtanding. Therefore after enquiry amongſt the wiſeſt and moſt indifferent men; of that Action I dare pronounce, that all Circumſtances pondered, a tumultuary banding on our part, with about one thouſand in the whole on theirs ready to receive us with two hundred horſe, with neere two thouſand foote, and watching their beſt time of advantage, none of their foote diſcovered by us before, nor ſo much as ſuſpected, and only ſome of their Horſe deſcried ſtragling, but not in any bulke or body: their Cavalry not a Troop of *Reſcoignors* mounted in haſt, but the greater part Gentlemen of Family, and of pickt Reſolution, and ſuch as charged home both in Front and on both flankes into

the very Sea about *fiveſcore* of their two hundred horſe ſtrewed upon the Sand, and none of them but one killed with a great ſhot, and after this their foot likewiſe comming on to charge, till not liking the buſineſſe they fell to flinging of ſtones and ſo walked away.

I ſay theſe things conſidered and laid together, wee have great reaſon to repute it a great impreſſion upon an unknown place, and a noble argument that upon occaſion we have not loſt our Auncient vigor. Only I could wiſh that the Duke who then in the animating of the ſouldiers ſhewed them very eminent aſſurance of his valour, had afterwards remembred that rule of *Apelles*, *Manum de Tabula*. But he was greedy of honour, and hot upon the publique ends, and too confident in the proſperity of beginnings, as ſomewhere *Polybius* that great *Critique* of war obſerveth of young leaders whom fortune hath not beforedeceived. In this their Military care & diſpenſationof reward and puniſhment, there was very few remarkable occaſions under the Duke, ſaving his continuall vigilancie and voluntary hazard of his perſon and kindneſſes to the Souldiers, both from his own table and purſe, for there could be ſew diſorders within an Iland where the troops had no ſcope to disband, and the Inferiour Commanders were ſtill in the ſight.

In the Earle wee have two examples of his ſeverity, the one in the Iſland voyage where hee threw a Souldier with his owne hands out of a Ship, the other in *Ireland* where hee decimated certaine troops that ran away, renewing a peece of the Roman diſcipline.

On the other ſide wee have many of his Lenitie, and one of his facilitie, when hee did Connive at the bolde Treſpaſſe of Sir *Walter Rawleigh* who before his owne arrivall at *Fyall*, had banded there againſt his preciſe Commandement, at which time hee let fall a Noble word being preſſed by one (whoſe name I need not remember) that at the leaſt he would put him upon a Martiall Court. That I would doe *(ſayd hee)* if he were not my friend.

And now I am drawing towards the laſt Act, which was written in the book of neceſſity.

At the Earles end I was abroade, but when I came (home though little was left for writers to gleane after judges) yet, I ſpent ſome curioſity to ſearch what it might bee that could precipitate him into ſuch a prodigious Cataſtrophe, and I muſt according to my profeſſed freedome, deliver a circumſtance or two of ſome weight in the truth of that ſtory, which was neither diſcovered at his araignment nor after in any of his private Confeſſions.

There was amongſt his neareſt attendants one *Henry Cuffe*, A man of ſecret ambitious ends of his owne, and of proportionate Counſells

ſmothered

smoothered under the habit of a Scholler, and slubbered over with a certayne rude and Clownish fashion, that had the semblance of integrity.

This person not above five or sixe weekes before my Lords fatall irruption into the City, was by the Earles Speciall Commaund suddainely discharged from all further attendance, or accesse unto him, out of an inward displeasure then taken against his sharpe and importune infusions, and out of a glimmering oversight, that he would proove the very instrument of his Ruine.

I must adde hereeunto, that about the same time my Lord had received from the Countesse of *Warwicke* (a Lady powerfull in the Court) and indeed a vertuous user of her power, the best advise that, I thinke, was ever given from eyther Sex. That when hee was free from restraint, hee should closely take any out-lodging at *Greenewich*, and sometimes when the Queen went abroad in a good humour, (whereof shee would give him notice) he should come forth and humble himselfe before Her in the field.

This Counsell tooke much into him, and for some dayes hee resolved it: but in the meane time through the intercession of the Earle of *Southampton*, whom *Cuffe* had gained, hee was restored to my Lords eare, and so working advantage upon his disgraces, and upon the vain foundation of vulgar breath, which hurts many good men, spun out the finall destruction of his Master and himselfe, and almost of his restorer, if his pardon had not been wonne by inches.

True it is, that the Earle in *Westminster-hall* did in generall disclose the evill perswasions of this man; but the particulars which I have related of his dismission and restitution, hee buried in his owne breast for some reasons apparent enough. Indeede (as I conjecture) not to exasperate the Case of my Lord of *Southampton*, though hee might therewith a little peradventure have mollified his owne. The whole and true Report I had by infallible meanes from the person himselfe that both brought the advise from the afore-sayd excellent Lady, and carried the discharge to *Cuffe*, who in a private Chamber was strucken therewith into a Sound almost dead to the Earth, as if hee had fallen from some high steeple, such Turrets of hope hee had built in his owne Fancy.

Touching the Dukes suddaine period, how others have represented it unto their Fancies, I cannot determine, for my part I must confesse from my Soule, that I never recall it to minde without a deepe and double astonishment of my discourse and reason.

First of the very horrour and attrocity of the Fact in a Christian Court, under so moderate a Government, but much more at the impudency of the pretence, whereby a desperate discontented Assassinate would after the

the perpetration have honeſted a meere private revenge (as by precedent Circumſtances is evident enough) with I know not wh t publique reſpects, and would faine have given it a parliamentary cover howſoever. Thus theſe two great Peeres were diſ-reabed of their Glory, the one by judgement, and the other by violence, which was the finall diſtinction.

Now after this ſhort contemplation of their diverſities, for much more might have beene ſpoken, but that I was fitter for Raplody then commentary, I am laſtly deſirous to take a Summarie viewe of their Conformities, which I verily beleeve will be fou d as many, though perchance heeded by few as are extent in any of the ancient Parallell

They both ſlept long in the armes of Fortune: They were both of ancient blood, and of Forraigne extraction: They were both of ſtraight and goodly ſtature, and of able and active bodies: They were both induſtrious and aſſiduous and intentive to their ends: They were both early Privy Councellors, and imployed at home in the ſecreteſt and weightieſt affaires in Court and State: They were both likewiſe Commaunders abroad in Chiefe, as well by Sea as by Land; both Maſters of the Horſe at home; both choſen Chancellours of the ſame Vniverſity, namely, *Cambridge*. They were indubitable ſtrong and high minded men; yet of ſweet and accoſtable Nature, almoſt equally delighting in the preſſe and affluence of Dependants and Suitors, which are alwayes the Burres and ſometimes the Briers of Favourits. They were both married to very vertuous Ladies, and ſole Heires, and left iſſue of eyther Sex. and both their Wives converted to contrary Religions. They were both in themſelves rare and excellent examples of Temperance and Sobriety, but neyther of them of Continency.

Laſtly, after they had beene both Subject (as all Greatneſſe and ſplendor is) to certayne obloquies of their Actions; They both concluded their earthly felicity in unnaturall ends, and with no great diſtance of time in the ſpace eyther of Life or Favour.

And ſo having diſcharged this poore Exerciſe of my Pen according to my Knowledge and Reality, let us commit thoſe two noble Peeres to their Eternall reſt, with their memorable abilities remayning in few, and their compaſſionate infirmities common to all.

*FINIS.*

# VOX SECUNDA POPULI.

OR,

The Commons gratitude to the most Honorable PHILIP, Earle of Pembroke and Mongomery, for the great affection which hee alwaies bore unto them.

By *Tho. Herbert.*

Printed in the yeare 1641.

To the right honorable *Philip Herbert*, Earle of Pembroke and Montgomery, Baron *Herbert* of Cardife, and Shirland, Lord Parre and Roos, of Kendal, Marmion, & Saint *Quintine*, Lord Warden of the Stanaries in the County of Devon, and Cornwall, Lord Lievtenant of Kent, Cornwall, Somerſet, and Wiltes, Lord Chamberlain to his Majeſtie, Knight of the moſt noble Order of the Garter, Chancellor of the Vniverſity of Oxford, and one of his Majeſties moſt honorable privy Counſel.

Great SIR,

THe fancy of my Muſe is forc'd to pauſe.
If that your Honour do require the cauſe,
Tis this, I was not able to expreſſe
In you, what is Great *Britains* happineſſe.
I long was woo'd to write your deſerv'd praiſe,
And by ſo doing, promis'd was the Bayes,
Which *Cæſars Virgil* wore, but tender yeers
To write that ſubject, fill'd my Muſe with fears;
But yet again a *Herberts* name did move
Me for to write, and in't expreſſe my love,
Or rather duty, to your Honours fame,
Who as yet did ne're deſerve the leaſt blame,
Which envy would enforce; Pardon I crave,
That is the boon which I alone would have,
From you (great Sir,) Alas I was too bold,
For to write that, I do know you hold
As nothing; it is your ſole deſire
To inflame *England* with a zealous fire.

THOMAS HERBERT.

BEfriend me *Apollo*, lend me *Orpheus* lire,
T' inchant the eares of men, make them admire:
Take home my Muſe unto thy cleareſt ſpring,
And waſh her cleane, then teach her how to ſing
Heroick ſtraines; for I muſt dedicate
This Poem to a man that ſcornes curld fate:
Hee's true to King and country, all will ſay;
The clouds of treaſon ne're eclipſt his day.
Some Angell dropt a quill from out his wing,
And bad me write, whilſt he calld Fame to ſing.
O glorious *Cleo*, waſh my muddy braine,
And teach me write ſome high aſpiring ſtraine,
ſuch as might make the ſtarry hoſt to wonder,
And make great *Iove* forget that he can thunder.
But I'me amaz'd, and this is all I feare,
*Iove* thinks himſelfe not ſafe whilſt Pembroke's here.
Methinks I ſee how *Mars* looks pale to ſee
A man in armes, more brave, more ſtout than hee:
And *Neptune* tell't, his skill upon the main
Is more than can b'expreſt by my dull ſtraine;
And *Hermes* offers him the greateſt ods,
To yeeld him Meſſenger unto the gods.
Once *Venus* view'd him as he walkt to ſee
The Spring adorn'd in her greene livery:
She ſtrait forgot *Adonis*, and grew coy
To her aſpiring *Mars*, and calld him Boy.
Wiſht him looke downe upon the fertile earth,
Who had out-ſhone bright heaven by his birth.
*Hebe* was ſo orecome with his bright eyes,
Shee'd like to have drownd the bright tranſlucent skies.

Looking

Looking on him, ſhe ſtumbled, all appalld,
The place ſhe died with *Nectar*, *Galactia* calld;
Nor is it heaven alone admires to ſee
This royall man, this brave Epitomie
Of all true vertue, he is the worlds wonder,
Mens ſhouts do clangor in the aire as thunder.
Have you not ſeen men holloo forth this ſtraine,
*God ſave our King*, and the Lord Chamberlaine?
Have you not heard them whiſper as you goe,
There goes Lord *Pembrook*, terror to our Foe?
The King doth hold him deare, the reaſon why,
None of his race did with a tympanie
Of high aſpiring treaſon breake, but all
Were true by proofe, they were authenticall.
I'me ſtrooke with wonder, I cannot expreſſe,
In his brave parts, our Kingdomes happineſſe.
I've ſeene ſome meteors glimmer in the sky;
But after one brave blaze they fall and die.
Your fixt ſtars, though, ſtill keepe their courſe and ſtand,
As Vaſſals, Tendants to great *loves* command:
To make reply, my Muſe dares not aſpire,
Hee's ſure to burne, that doth but touch the fire.
Hee's ſure a Foole that ſtrives to pull downe ſtars,
I muſt not ſpeake, when any high wheele jars.
'Tis now *Vox Populi* that is my Theame,
Come quicke invention, from *Pernaſſus* ſtreame:
Bring *Tempe's* ſweetneſſe on thy nimble wing,
Perfume the bright aire, which ſo loud ſhall ring
At thy returne, as did the youths of Troy,
When they enjoy'd brave *Hector*, *Priams joy*.

Touch

Touch the earth weeds, make them in ſweetneſſe joyne,
With the fine planted fragrant Eglantine.
As thou comeſt by make thou *O Pembrooke* laugh,
We write Encomiums not an Epitaph.
When thou haſt done this then returne againe
And Helicon reward thee for t'y paine.
Give me that man that ſcornes the teeming earth,
When it's in labour with abortive birth:
He equalls the beſt ſeconded by none,
And Golden lines ſhall garniſh his brave tombe.
The common voyce will alwayes thus expreſſe,
In the brave *Herbert* lies our happineſſe:
Thou art that *Hermes* Uſher to the ſunne,
Thou art his Gardiant when the day is done:
You are a Plague to Papiſts, friend to thoſe,
Who to baſe *Antichriſt* are ſworne foes.
The Pope doth tremble at our *Herberts* name,
The *Turkes* and *Soldan* heape your ſpreading fame.
Let us rejoyce and *Iõ* ſing as loud
As thunder ſhot from a divided cloud.
Our King's the Sunne within our Horoſcope,
A terrour to the Devill and the Pope;
Our Nobles are thoſe fixt ſtars which doe ſhine
In their due place, each man in his line,
Thoſe who have ſtriv'd t'uſurpe our great Joves throne,
My joyes ſo great to them I cannot mourne.
Brave *Pembrooke* hath ſo fill'd our hearts with joy,
The Commons cry this is the pride of *Troy*.
One that will venture each limbe with his life,
To keepe the Vulgar from all forraigne ſtrife.
O what a joyfull thing it was to heare,
How we not long ſince lovingly did cheare.

The

The Commons hearts, when Iuſtice they did crave,
He pawnd his Honour, Iuſtice they ſhould have.
Which to the Commons did give ſuch content,
As that their prayers quicke to heaven they ſent.
That more ſuch Peeres in England he would ſend.
So ſhould all Taxes ceaſe, and Schiſmes end.
Another ſaid, had *Wentworth* beene like him,
He had not fear'd in bloody ſtreames to ſwim.
Or if that Fiend, a third man he did ſay,
Each man his verdict of him, did bring in,
Not our convicting him of Traitors ſin.
His vertues all admired ſinging againe,
Long live our King *Charles* and his Lord *Chamberlane*.
Long live our King & crowne him with ſuch Peers,
That hee may reigne moſt joyfull many yeers.
Your true hacht Eagle will not prey on flies,
Nor good men blot themſelves with treacheries:
Vertue ſhall live, but Infamie kills dead
Each ſprouting fortune in her maidenhead.
You that are ſtain'd with treaſons inky blot,
And envy thoſe men which as you are not,
Looke on our ſubject, Envy will grow milde,
To hate this man none ſure can be ſo vilde.
Shall the whole kingdome ring a peale of praiſe
Vnto your Honour, and ſhall not I raiſe
My *Ela* ſtraine, and ſtretch my throat to ſing,
Out-caroll all our birds i'th pleaſant ſpring?
But O! one vertue here among the reſt
I have obſerv'd, deſerves the terme of beſt:
Your Honors humble daigning to give eare
Vnto the abjectſt vaſſall that comes neere

Your

Your Honor; but pray pardon my dull pen,
That I ſhould formoſt of an hoſt of men
Vncaſe my ruſtick Muſe, which bawles ſo loud,
As if begot of *Ixion* in a clowd.
Your vertues do deſerve a *Virgils* ſtraine,
An *Ovids* verſe, and not a home-ſpun braine.
The ſplendor of your vertues dim the skies,
Which I can't looke on with a Buzzards eyes:
Your Sailes ſpred high, with greateſt fortunes flow,
Excuſe my gazing up, ſtanding below.
The Commons voice runs thus of you, *I ſee*
*The abſtract of vertue, and Epitomee*
*Of all Morality: He is the man*
*That gaines the hearts of all, do what all can.*
Methinks 'tis non-ſence to gainſay the right,
Or to deny the Sun-beame gives cleare light:
*Vox Populi* doth ſpeake, we all agree,
Our beſt eſtates owe *Chamberlaine* a Fee,
Which muſt be payd with love, for he loves all
Which loyall are: Deſert daſerves no fall.
O! had my Muſe been eloquent to raiſe
A phanſie which might elevate the praiſe
Of his ſcarſe paraleld vertue, ſurely then,
Writing his worth, I had got praiſe of men.
But O, my wits were dull, I wanted ſtraine,
*Calliope* ſlept, ſhe was not in the vaine
For to aſſiſt me. Yee Commons me excuſe,
If height of your goodwiſhes I abuſe:
My wits were dull; but yet to after-age
His merits ſhall be ſhewne upon the ſtage.

FINIS

MVSEVM
BRITAN
NICVM